



# भारत का राजपत्र The Gazette of India

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No. 46]

NEW DELHI, SATURDAY, NOVEMBER 15, 1997/KARTIKA 24, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
Separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Ministry of Defence)

गृह मंत्रालय

(पुनर्वासि प्रभाग)

नई दिल्ली, 13 अक्टूबर, 1997

मुख्य बंदोबस्त आयुक्त को सौंपे गए कार्यों को करने के  
लिए संयुक्त मुख्य बंदोबस्त आयुक्त नियुक्त करते हैं।

2. इसे अधिसूचना सं० 1(1)/93-बंदोबस्त (क)  
दि० 16-2-96 के अधिनियम में जारी किया गया है।

[सं० 1(1)/96-बंदोबस्त (क)]  
मुरजीत सिंह, अवर सचिव

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 13th October, 1997

S.O. 2873.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints the Special Secretary (Revenue), Additional Secretary (Revenue) or Joint Secretary (Revenue) as the case may be in the Revenue and Rehabilitation Department of Government of Punjab as Joint Chief

का०आ०2873:—विस्थापित व्यक्त (प्रतिकर एवं पुन-  
वासि) अधिनियम, 1954 (1954 का 44) की धारा  
3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते  
हुए, केन्द्रीय सरकार एतद्वारा पंजाब सरकार के राजस्व  
एवं पुनर्वासि विभाग में विशेष सचिव (राजस्व) अपर सचिव  
(राजस्व) अथवा संयुक्त सचिव (राजस्व), जैसा भी मामला  
हो, को विशेष सचिव (राजस्व) अपर सचिव (राजस्व)  
अथवा संयुक्त सचिव (राजस्व) जैसा भी मामला हो, अपने  
स्वयं के कर्तव्यों के अनिवार्य उक्त अधिनियम के द्वारा  
अथवा उसके अंतर्गत क्षतिपूर्ति फंड के भाग के तौर पर  
मकानों, पशु शेडों तथा रिक्त स्थानों सहित किसी भी  
क्षेत्र में कृषि भूमि तथा दुकानों के संबंध में एक संयुक्त

Settlement Commissioner, for the purpose of performing in addition to his own duties as Special Secretary (Revenue), Additional Secretary (Revenue) or Joint Secretary (Revenue) as the case may be functions assigned to a Joint Chief Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the Compensation Pool.

2. This supersedes Notification No. 1(1)/93-Settlement (A) dated 16th February, 1996.

[No. 1(1)/96-Settlement (A)]  
SURJIT SINGH, Under Secy.

नई दिल्ली, 13 अक्टूबर, 1997

का०आ० 2874:—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास अधिनियम, 1954 (1954 का 44) की धारा 34(2) द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं एस०के० चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त एतद्वारा संयुक्त मुख्य बंदोबस्त आयुक्त की शक्तियों का प्रयोग कर रहे पंजाब राज्य सरकार के राजस्व एवं पुनर्वास विभाग में विशेष सचिव (राजस्व) अपर सचिव (राजस्व) अथवा संयुक्त सचिव (राजस्व) जैसा भी मामला हो, को क्षतिपूर्ति पूल के भाग के तौर पर मकानों, पशु शौचों तथा रिक्त स्थलों सहित किसी श्रमोण क्षेत्र स्थित कृषि भूमि व दुकानों के संबंध में इन धाराओं के अंतर्गत आदेश पारित करने के उद्देश्य से कथित अधिनियम की धारा 23, 24, एवं 28 के अंतर्गत अपनी शक्तों प्रदान करता हूँ।

2. इसे अधिसूचना सं० 1(1)/93-बंदोबस्त (ख) ता० 16-2-96 के अधिग्रहण में जारी किया गया है।

[सं० 1(1)/96-बंदोबस्त (ख)]

एस०के० चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

New Delhi, the 13th October, 1997

S.O. 2874.—In exercise of the power conferred on me under Section 34(2) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, S.K. Chatopadhyaya, Chief Settlement Commissioner do hereby delegate to the Special Secretary (Revenue), Additional Secretary (Revenue), or Joint Secretary (Revenue), as the case may be in the Revenue and Rehabilitation Department of Punjab State Government exercising the powers of Joint Chief Settlement Commissioners, my powers under Sections 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these Sections in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool.

2. This supersedes Notification No. 1(1)/93-Settlement (B) dated 16th February, 1996.

[No. 1(1)/96-Settlement (B)]

S. K. CHATOPADHYAY, Chief Settlement Commissioner

नई दिल्ली, 13 अक्टूबर, 1997

का०आ० 2875:—निष्पन्न संपत्ति प्रबंध अधिनियम, 1950 (1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा राजस्व एवं पुनर्वास विभाग, पंजाब सरकार के विशेष सचिव (राजस्व) अपर सचिव (राजस्व) अथवा संयुक्त सचिव (राजस्व), जैसा भी मामला हो, को उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक महाभरक्षक को सौंपे गए कार्यों के निष्पादन के उद्देश्य से पंजाब राज्य में स्थित निष्पन्न संपत्ति का सहायक महाभरक्षक नियुक्त करती है।

2. इसके द्वारा दिनांक 16-2-96 की अधिसूचना सं० 1(1)/93-बंदोबस्त (ग) का अधिग्रहण किया जाता है।

[सं० 1(1)/96-बंदोबस्त (ग)]

सुरजीत सिंह, अवर सचिव

New Delhi, the 13th October, 1997

S.O. 2875.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoint Special Secretary (Revenue), Additional Secretary (Revenue), or Joint Secretary (Revenue), as the case may be, Revenue and Rehabilitation Department, Government of Punjab as the Assistant Custodian General of Evacuee Property situated in the State of Punjab for the purpose of discharging the duties imposed on such Assistant Custodian General by or under the said Act.

2. The supersedes Notification No. 1(1)/93-Settlement (C) dated 16th February, 1996.

[No. 1(1)/96-Settlement (C)]

SURJIT SINGH, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 24 अक्टूबर, 1997

का०आ० 2876:—केंद्रीय सरकार एतद्वारा बंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री फिरोज आर० ब्रकील, वरिष्ठ अधिवक्ता, मुम्बई को विशेष न्यायाधीश, दिल्ली के न्यायालय में दिल्ली विशेष पूर्णतः स्थापना के मामला सं० आर सी 1(एम)/90-एम०आई०जी नई दिल्ली (सेट किट्स मामला) तथा पुनरीक्षण, अपील अथवा किसी अन्य न्यायालय में उक्त मामले से उद्भूत अपीलों, पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं० 225/31/97-ए०बी०डी० II]

हरि सिंह अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC  
GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 24th October, 1997

S.O. 2876.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri

Phiroze R. Vakil, Senior Advocate, Bombay as Special Public Prosecutor for conducting case No. RC-1 (S)/90-SIG, New Delhi (St. Kitts Case) of Delhi Special Police Establishment in the court of Special Judge, Delhi and appeals, revisions or other matters arising out of the above said case in revisional, appellate or any other court.

[No. 225/31/97-AVD. III]  
HARI SINGH, Under Secy.

नई दिल्ली, 24 अक्टूबर, 1997

का०आ० 2877:—केन्द्रीय सरकार एतद्द्वारा आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं० 28) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री ए०एम० देसाई, अधिवक्ता निवासी—अंजलि किरण कॉन्फ़ॉरेंटव सोसायटी, ब्लॉक नं० सी/76, नेहरू रोड, वकोला, सांता क्रुज (ईस्ट) मुम्बई-400055 को संलग्न अनुसूची में उल्लिखित मामलों अथवा मुम्बई शहर और मुम्बई उपनगरीय जिलों, जिला रायगढ़ और जिला ठाणे में किए गए अपराधों अथवा ऐसे ही मामलों के विचारण के लिए उक्त अधिनियम की धारा 9 के अधीन गठित नामनिर्दिष्ट न्यायालय, मुम्बई में पूर्वोक्त अनुसूची में उल्लिखित मामलों और मुम्बई शहर तथा उसके उपनगरों में 12 मार्च, 1993 को हुए बम-विस्फोटों से उद्भूत ऐसे ही क्षेत्रों में ऐसे ही मामलों से उत्पन्न मामला आरसी-1 (एस)/93-सीबीआई, एसटीएफ मुम्बई (कोर्ट केस सं० बीबीसी-1 ऑफ 93) के अभियोजन तथा उक्त अधिनियम के अधीन उससे संबंधित अथवा आनुषंगिक अन्य विषयों तथा पूर्वोक्त बम-विस्फोटों से उद्भूत और संसक्त ऐसे क्षेत्रों में ऐसे मामलों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

अनुसूची

क्रम सं०	स्थान	पुलिस स्टेशन तथा सी०आर० सं०	डीसीबी सी०आर० सं०
1	2	3	4
1.	स्टॉक एक्सचेंज	एम०आर०ए० मार्ग, 129/93	70/93
2.	कथा बाजार	पैद्योती, 195/93	73/93
3.	सेना भवन	दादर, 186/93	118/93
4.	सेंचुरी बाजार	दादर, 187/93	117/93
5.	महिम कॉलेज	महिम, 185/93	110/93
6.	एयर इंडिया	कुफे परेड, 126/93	71/93
7.	जावेरी बाजार (एक्सप्लोडिड स्कूटर)	एल०टी० मार्ग, 122/93	75/93
8.	सी-रॉक होटल	बांद्रा, 148/93	114/93
9.	प्लाजा सिनेमा	महिम, 184/93	109/93
10.	जूहू सेक्टर होटल	सांता क्रुज, 155/93	116/93
11.	एयरपोर्ट बे 54 (थ्रोडिंग ए० च०जी०)	सहार, 200/93	108/93
12.	सेक्टर होटल (एयरपोर्ट)	एयरपोर्ट, 19/93	115/93
13.	वर्ली	वर्ली, एलएसी, 389/93	112/93
14.	नैगाँम सी०आर०ए० रोड (अन-एक्सप्लोडिड स्कूटर)	मेंटुगा, 251/93	72/93

1	2	3	4
15.	धनजी स्ट्रीट एंड जावेरी बाजार (2 अन-एक्सप्लोडिबल स्कूटर)	एल०टी० मार्ग, 124/93	111/93
16.	म्हसला	म्हसला, 6/93	132/93
17.	श्रीवर्धन	श्रीवर्धन, 14/93	133/93
18.	गोरेगांव	गोरेगांव, 17/93	134/93
19.	ठाणे	कपूरबाडी, 14/93	135/93
20.	एस०के० मेमन स्ट्रीट	एल०टी० मार्ग, 138/93	77/93
21.	ईस्टर्न साईड लैबरेटरी ऑफ मुसाफिरखाना, मुम्बई	एल०ए०सी०	15/93
22.	नरियालवाडी मुस्लिम सीमेंट्री, मझगांव	एल०ए०सी०	18/93
23.	पिकनिक गेस्ट हाऊस, निकट लीडो थियेटर, सांता क्रुज (वेस्ट)	एल०ए०सी०	20/93
24.	58, नरगिस दत्त रोड, पाली हिल्स, बांद्रा (वेस्ट) मुम्बई-50	एल०ए०सी०	21/93
25.	बोना पार्ट इंडस्ट्रीज धनश्याम इंडस्ट्रीज एस्टेट, वीरा वेमाई रोड, अंधेरी	एल०ए०सी०	23/93
26.	खाटीजाबी चॉल, आर नं० 1, सोनापुर लेन, कुर्ला	कुर्ला एल०ए०सी० 707/93	32/93
27.	ड्रीमलैंड कॉन्ट० हाऊसिंग सोसायटी, मिलिट्री रोड, मैरोल, मुम्बई	एल०ए०सी०	22/93

[सं० 225/60/97-ए०बी०डी०-II]

हरि सिंह, अवर सचिव

New Delhi, the 24th October, 1997

S.O. 2877.—In exercise of the powers conferred by sub-section (1) of section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987) the Central Government hereby appoints Shri A. M. Desai, Advocate R/o. Anjali Kiran Coop Society, Block No. C/76, Nehru Road, Vakola, Santa Cruz (East), Mumbai-400 055, as Special Public Prosecutor for conducting prosecution of the case RC. 1(S)/93-CBI-STF-Bombay (Court Case No. BBC 1 of 93) arising of the cases mentioned in the schedule appended hereto, and such cases in such areas as may arise out of and connected with Bomb Blasts which occurred on 12th March, 1993 at Bombay City and suburbs, and other matters connected therewith or incidental thereto under the said Act, in the Designated Court at Bombay constituted under Section 9 of the said act to try offences or such cases committed at Bombay city and Bombay suburban Districts, Raigad District and Thane District as mentioned in the said schedule, and to try such cases in such areas as may arise out of and connected with aforesaid Bomb Blasts.

## SCHEDULE

Sl. No.	Place	Police Station	DCB Cr. No.
1	2	3	4
1.	Stock Exchange	M.R.A. Marg, 129/93	70/93
2.	Katha Bazar	Pydhonie, 195/93	73/93
3.	Sena Bhavan	Dadar, 186/93	118/93
4.	Centary Bazar	Dadar, 187/93	117/93
5.	Mahim Casuseway	Mahim, 185/93	110/93
6.	Air India	Cuffe Parade 126/93	71/93

1	2	3	4
7.	Zaveri Bazar (exploded scooter)	LT Marg, 122/93	75/93
8.	Sea-Rock Hotel	Bandra, 148/93	114/93
9.	Plaza Cinema	Mahim, 184/93	109/93
10.	Juhu Centaur Hotel	Santacruz, 155/93	116/93
11.	Airport Bay 54 (Throwing H.G.)	Sahar, 200/93	108/93
12.	Centaur Hotel (Airport)	Airport, 19/93	115/93
13.	Worli	Worli, LAC 389/93	112/93
14.	Naigam C.R.S. Rd. (unexpl. Scooter)	Matunga, 251/93	72/93
15.	Dhanji ST & Zaveri Bazar (2 Unexploded Scooter)	L.T. Marg, 124/93	111/93
16.	Mhasla	Mhasla, 6/93	132/93
17.	Srivardhan	Shrivardhan, 14/93	133/93
18.	Goregaon	Goregaon, 17/93	134/93
19.	Thane	Kapurbawdi, 14/93	135/93
20.	S. K. Memon Street	L T Marg, 138/93	77/93
21.	Eastern Side Lavatory of Musaffir Khana, Bombay	LAC	15/93
22.	Nariyal-Wadi, Muslim Cementry, Mazagaon	LAC	18/93
23.	Picnic Guest House near Lido Theatre, Santacruz (W).	LAC	20/93
24.	58, Nargis Dutta Rd., Pali Hill, Bandra (W), Bombay-50.	LAC	21/93
25.	Bona Parte Ind., Ghanshvam Indl. Est., Vira Desai Rd., Andheri.	LAC	23/93
26.	Khatijabi Chawl, R. No. 1, Sonspur Lane, Kurla.	Kurla, 707/93	32/93
27.	Dreamland Co-Op. Hsg. Sct., Military Rd., Marol, Bombay.	LAC	22/93

[No. 225/60/97-AVD-II]

HARI SINGH, Under Secy.

## आदेश

नई दिल्ली, 27 अक्टूबर, 1997

कां०आ० 2878.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 29 मई, 1995 के जी०ओ०आर०टी० सं० 1316 होम (एससी-ए) डिपार्टमेंट द्वारा प्राप्त आन्ध्र प्रदेश राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार, केन्द्रीय अन्वेषण ब्यूरो द्वारा 29-6-1990 को रजिस्टर किए गए आरसी सं० 19(ए)/90 बंगलौर, आरसी सं० 20(ए)/90-बंगलौर और आरसी सं० 21(ए)/90-बंगलौर में मैसर्स एशियन वायर रोप्स लि०, हैदराबाद के प्रबंध निदेशक की हैसियत में इसका प्रतिनिधित्व कर रहे श्री एम० जानकीराम, पूर्व विधायक, उदयगिरी, जिला नैलोर द्वारा निम्नलिखित प्रासंगिक अधिनियमों के उपबंधों के अधीन अभिकथित रूप में किए गए दंडनीय अपराधों तथा उसी संव्यवहार के अनुक्रम में किए गए और/अथवा उन्हीं अथवा संबंधित तथ्यों से उद्भूत उक्त अपराध(ों) और किसी अन्य

(अपराधों) से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों तथा षड्यंत्रों के अन्वेषण के लिए, सम्पूर्ण आन्ध्र प्रदेश राज्य पर करती है :—

क्रम	अपराध सं०	विधि की धारा
1.	आरसी० 19(ए)/90-बंगलौर दिनांक 29-6-90	भारतीय दंड संहिता की धारा 120-बी सपठित धारा 420, 471 तथा भ्रष्टाचार निवारण अधिनियम, 1947 की धारा 5(2) सपठित धारा 5(1)(डी) और तत्संबंधी सारभूत अपराध ।
2.	आरसी 20(ए)/90-बंगलौर दिनांक 29-6-90	भारतीय दंड संहिता की धारा 120-बी सपठित धारा 420, 468, 471 तथा भ्रष्टाचार निवारण अधिनियम, 1947 की धारा 5(2) सपठित धारा 5(1)(डी) ।
3.	आरसी 21(ए)/90-बंगलौर	भारतीय दंड संहिता की धारा 120-बी सपठित धारा 420, 468, 471 तथा भ्रष्टाचार निवारण अधिनियम, 1947 की धारा 5(2) सपठित धारा 5(1)(डी) ।

ऊपर वर्णित आपराधिक मामलों से संबंधित अन्य गैर-सरकारी अभियुक्त व्यक्तियों के संबंध में आन्ध्रप्रदेश सरकार द्वारा जी० ओ०आर०टी० सं० 1316 दि० 29-5-95, जी०ओ०एम०एस० सं० 477 होम (एससी-ए) डिपार्टमेंट दि० 18-6-94 द्वारा पहले ही दिल्ली विशेष पुलिस स्थापना के सदस्यों को शक्तियाँ और अधिकारिता प्रदत्त करने के लिए आम सहमति दी जा चुकी है जिसकी बाबत भारत सरकार द्वारा दिनांक 10-3-95 के अपने आदेश सं० 228/61/94-एवीडी-II द्वारा धारा 5 के अंतर्गत अधिसूचना जारी की गई है ।

[सं० 228/8/96-ए वी डी-II]

हरि सिंह, अवर सचिव

#### ORDER

New Delhi, the 27th October, 1997

S.O. 2878.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Andhra Pradesh vide G.O. Rt. No. 1316 Home (SC-A) Department dated 29th May, 1995, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Andhra Pradesh for investigation of the offences in Crime RC. No. 19(A)/90-BLR.,) RC. No. 20(A)/90-BLR and RC. No. 21(A)/90-BLR., registered by Central Bureau of Investigation on 29-6-1990 and attempts, abetments and conspiracy in relation to or in connection with the said offence(s) and any other offence(s) committed in the course of the same transaction and/or arising out of the same or related facts, punishable under the provisions of the relevant Acts as indicated below, alleged to have been committed by Shri M. Janakiram, former M.L.A., Udayagiri, Nellore District, representing M/s. Asian Wire Ropes Ltd., Hyderabad as its M.D.;—

Sl. No.	Crime No.	Section of Law
1	2	3
1.	RC. 19(A)/90-BLR dated 29-6-1990.	Under Section 120-B read with 420, 471, Indian Penal Code and 5(2) read with 5(1)(d) of Prevention of Corruption Act, 1947 and substantive offences thereof.
2.	RC. 20(A)/90-BLR dated 29-6-1990.	Under Section 120-B read with 420, 468, 471 Indian Penal Code and Section 5(2) read with 5(1)(d) of Prevention of Corruption Act, 1947.
3.	RC. 21(A)/90-BLR.	Under Section 120-B read with 420, 468, 471 Indian Penal Code and Section 5(2) read with 5(1)(d) of Prevention of Corruption Act, 1947.

The powers and jurisdiction of the members of the Delhi Special Police Establishment in respect of the other private accused persons in the above mentioned criminal cases has already been conferred by the Government of Andhra Pradesh vide the general consent vide G.O. Rt. No. 1316 dated 29-5-1995, G.O. Ms. No. 477 Home (SC-A) Department dated 18-6-1994 for which Section 5 notification has been issued by the Government of India vide its Order No. 228/61/94-AVD.II, dated 10-3-1995.

[No. 228/8/96-AVD. II]  
HARI SINGH, Under Secy.

शुद्धिपत्र

CORRIGENDUM

नई दिल्ली, 27 अक्टूबर, 1997

New Delhi, the 27th October, 1997

का०आ० 2879.—इस विभाग की अधिसूचना सम-संख्यक तारीख 10-10-97 का आंशिक उपांतरण करते हुए, उसमें निम्नलिखित संशोधन/उपांतरण अंतर्स्थापित किए जाते हैं/जोड़े जाते हैं :—

S.O. 2879.—In partial modification of this Department Notification of even No. dated 10-10-1997 the following amendments/modifications are inserted/added :—

1. अधिसूचना की पंक्ति 9 में "तदनंतर उनकी हत्या" शब्दों के स्थान पर "तदनंतर रिपोर्ट की गई उनकी हत्या" शब्द पढ़ें।
2. अधिसूचना के अंत में निम्नलिखित जोड़ा जाएगा—  
"यह मामला, विधिविरोध श्रियाकलाप (निवारण) अधिनियम की धारा 10/13 के साथ पठित भारतीय दण्ड संहिता की धारा 365/34 के अधीन मामला सं० 14/97 के रूप में माजुली पुलिस थाना से संबंधित है।"

1. "his subsequent reported killing" should be read in place of "his subsequent killing" (Line 16 of the Notification).

2. "The case refers to Majuli Police Station Case No. 14/97 u/s. 365/34 IPC r/w Section 10/13 of Unlawful Activities (Prevention) Act." should be added at the end.

[सं० 228/13/97-ए, बी डी II]

[No. 228/13/97-AVD. II]

हरि सिंह, अवर सचिव

HARI SINGH, Under Secy.

बिना मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

कार्यालय—मुख्य आयकर आयुक्त

कानपुर, 12 सितम्बर, 1997

सं० 2/97-98

का०आ० 2880.—आयकर अधिनियम, 1961 की धारा 120 की उपधारा (1) तथा केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली द्वारा उक्त धारा के अधीन इस सम्बन्ध में जारी की गई अधिसूचना सं० 8478 एफ तं० 279/121/89—आईटीजे दिनांक 27-10-1989 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं मुख्य आयकर आयुक्त, कानपुर एतद्द्वारा यह निर्देश देता हूँ कि निम्नलिखित अनुसूची के स्तम्भ-1 में विनिर्दिष्ट आयकर आयुक्त, अपील निम्नलिखित अनुसूची के स्तम्भ संख्या 2 में विनिर्दिष्ट वार्डों, सिकिलों एवं स्पेशल रेंजों में आयकर, अतिकर, व्याजकर, दानकर अथवा धनकर के उन निर्धारितियों के सम्बन्ध में जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड ए से एच तक उल्लिखित किसी आदेश, कम्पनी (लाभ) अतिकर अधिनियम 1964 (1964 का 7) की धारा II की उपधारा (1) व्याजकर अधिनियम, 1974 की धारा 22, धनकर अधिनियम, 1957 की धारा 23 की उपधारा (1ए) तथा दानकर अधिनियम, 1958 की धारा 22 की उपधारा (1ए) के अधीन उल्लिखित किसी आदेश द्वारा व्यथित हैं तथा ऐसे व्यक्तियों अथवा व्यक्तियों की श्रेणियों के सम्बन्ध में भी जिन्हें उपर्युक्त अधिनियमों की उपर्युक्त धाराओं के संगत प्रावधानों के अनुसरण में बोर्ड द्वारा निर्देशित किया गया है अथवा भविष्य में निर्देशित किया जा सकता है, कार्य निष्पादन करेंगे।

इसके फलस्वरूप, निम्नलिखित अनुसूची के स्तम्भ सं० 2 में विनिर्दिष्ट वार्डों/सिकिलों/स्पेशल रेंज में कर निर्धारण योग्य व्यक्तियों के सम्बन्ध में समस्त अपीलें जो कि अब तक किसी अन्य आयकर आयुक्त अपील के पास लम्बित थीं वे भी दिनांक 01-10-1997 से निम्नलिखित अनुसूची के स्तम्भ सं० 1 में विनिर्दिष्ट वार्डों/सिकिलों/स्पेशल रेंजों के समस्त आयकर आयुक्त, अपील को हस्तान्तरित समझी जायेंगी।

अनुसूची

आयकर आयुक्त (अपील) के प्रभार (मुख्यालय सहित)

क्षेत्राधिकार के अन्तर्गत वार्ड/सिकिल/रेंज

1

2

1. आयकर आयुक्त, अपील-1, मेरठ

1. अपर आयकर आयुक्त/आयकर उप-आयुक्त, स्पेशल रेंज, मेरठ।

2. सहायक आयकर आयुक्त, केन्द्रीय यूनिट, मेरठ।

3. अपर आयकर आयुक्त/आयकर उपायुक्त मेरठ रेंज, मेरठ के क्षेत्राधिकार के अन्तर्गत मेरठ के समस्त सहायक आयकर आयुक्त/समस्त आयकर अधिकारी।

1	2
	4. अपर आयकर आयुक्त/आयकर उपायुक्त, गाजियाबाद रेंज, गाजियाबाद क्षेत्राधिकार के अन्तर्गत बलन्दशहर के समस्त सहायक आयकर आयुक्त/समस्त आयकर अधिकारी ।
2. आयकर आयुक्त, अपील-II, मेरठ	1. अपर आयकर आयुक्त/आयकर उपायुक्त, स्पेशल रेंज, गाजियाबाद । 2. अपर आयकर आयुक्त/आयकर उपायुक्त गाजियाबाद रेंज, गाजियाबाद के क्षेत्राधिकार के अन्तर्गत नौएडा, हापुड़ एवं गाजियाबाद के समस्त आयकर सहायक आयुक्त/समस्त आयकर अधिकारी ।
3. आयकर आयुक्त (अपील), मुजफ्फरनगर	1. अपर आयकर आयुक्त/आयकर उपायुक्त, स्पेशल रेंज, मुजफ्फरनगर । 2. अपर आयकर आयुक्त, देहरादून रेंज, देहरादून के क्षेत्राधिकार के अन्तर्गत सहारनपुर के समस्त सहायक आयकर आयुक्त/समस्त आयकर अधिकारी । 3. अपर आयकर आयुक्त/आयकर उपायुक्त, मुजफ्फरनगर, रेंज, मुजफ्फरनगर के क्षेत्राधिकार के अन्तर्गत शामली, रुड़की एवं मुजफ्फरनगर के समस्त सहायक आयकर आयुक्त/समस्त आयकर अधिकारी ।
4. आयकर आयुक्त (अपील) देहरादून	1. अपर आयकर आयुक्त/आयकर उपायुक्त, स्पेशल रेंज, देहरादून । 2. अपर आयकर आयुक्त/आयकर उपायुक्त, देहरादून रेंज, देहरादून क्षेत्राधिकार के अन्तर्गत हरिद्वार, ऋषिकेश एवं देहरादून के समस्त सहायक आयकर आयुक्त/समस्त आयकर अधिकारी ।

यह अधिसूचना दिनांक 01-10-1997 से प्रभावी होगी ।

[फा०सं० सी सी आई टी/कान०/एस एण्ड पी/20/97-98/2360]

टी०के० दास, मुख्य आयकर आयुक्त

## MINISTRY OF FINANCE

(Department of Revenue)

### CENTRAL BOARD OF DIRECT TAXES

#### OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Kanpur, the 12th September, 1997

No. 2/97-98

**S.O. 2880.**—In exercise of the powers conferred on me by sub-section (1) of Section 120 of the Income Tax Act, 1961 and by the Notification No. 8478 F. No. 279/121/89-ITJ dated 27-10-1989 issued by the Central Board of Direct Taxes, New Delhi, in this behalf under the said section, I, the Chief Commissioner of Income Tax, Kanpur hereby direct that the Commissioner of Income Tax (Appeals) specified in Column No. 1 of the Schedule below shall perform the functions in respect of such persons assessed to Income Tax or Surtax or Interest-tax or Gift-tax or Wealth Tax in Wards, Circles and Special Ranges specified in Column No. 2 of the Schedule below as are aggrieved by any of the orders mentioned in clause (a) to (h) of sub-section (2) of Section 246 of Income Tax Act, 1961 in sub-section (1) of Section II of Companies (Profits) Surtax Act, 1964 (7 of 1964), in Section 22 of Interest-tax Act, 1974, in sub-section (1A) of Section 23 of Wealth Tax Act, 1957 and in sub-section (1A) of Section 22 of Gift Tax Act, 1958 and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the relevant provisions of the afore-mentioned sections of the afore-mentioned Acts.

2. Consequently, all the appeals in respect of persons assessable in Wards/Circles/Spl. Range specified in Column No. 2 of the Schedule below, which were hitherto pending with any other CIT(A) will also stand trans-



ferred to the CIT(A) mentioned in Column No. 1 opposite the Wards/Circles/Sl. Ranges of the Schedule below with effect from 1-10-97.

## SCHEDULE

Charge of CIT (Appeals) with Hqrs.	Ward/Circle/Range in the jurisdiction
(1)	(2)
1. Commissioner of Income Tax (Appeals)—I, Meerut	(1) Additional CIT/Dy. CIT, Special Range, Meerut. (2) ACIT, Central Circle, Meerut. (3) All ACsIT/ITOs at Meerut in the jurisdiction of Addl. CIT/Dy. CIT, Meerut Range, Meerut. (4) All ACsIT/ITOs at Bulandshahar in the jurisdiction of Addl. CIT/Dy. CIT, Ghaziabad Range, Ghaziabad.
2. Commissioner of Income Tax (Appeals)—II, Meerut	(1) Additional CIT/Dy. CIT, Special Range, Ghaziabad. (2) All ACsIT/ITOs at NOIDA, Hapur and Ghaziabad with the jurisdiction of Addl. CIT, Dy. CIT, Ghaziabad Range, Ghaziabad.
3. CIT (Appeals), Muzaffarnagar	(1) Addl. CIT/Dy. CIT, Special Range, Muzaffarnagar. (2) All ACs/IT/ITOs at Saharanpur within the jurisdiction of Addl. CIT, Dehradun Range, Dehradun. (3) All ACsIT/ITOs at Shamli, Roorki and Muzaffarnagar within the jurisdiction of Addl. CIT/Dy. CIT, Muzaffarnagar Range, Muzaffarnagar.
4. CIT (Appeals), Dehradun	(1) Addl. CIT/Dy. CIT, Special Range, Dehradun. (2) All ACs/ITOs at Haridwar, Rishikesh and Dehradun within the jurisdiction of Addl. CIT/Dy. CIT, Dehradun Range, Dehradun.

This Notification will come into force with effect from 1-10-97.

[ F. No. CCIT/KNP/S&P/20/97-98/2360 ]

T. K. DAS, Chief Commissioner of Income Tax

आदेश

नई दिल्ली, 16 अक्तूबर, 1997

स्टाम्प

कां.मां० 2881:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उस शुल्क को माफ करती है जो तमिल-नाडु विद्युत बोर्ड, चैन्नई द्वारा जारी किए गए:—

(क) मात्र छह करोड़ साठ लाख बीस हजार और तीन सौ रु० के कुल मूल्य के 11.50% टी०एन०ई०बी० ऋण-2010 (54वां ऋण);  
2807 GI/97—2

(ख) मात्र ग्यारह करोड़ उनतीस लाख सतहतर हजार रु० के कुल मूल्य के 12% टी०एन०ई०बी० ऋण-2012 (58वां ऋण);

(ग) मात्र बारह करोड़ सोलह लाख पैंतीस हजार रु० के कुल मूल्य के 12% टी०एन०ई०बी० ऋण-2012 (59 वां ऋण);

(घ) मात्र बाईस करोड़ तिरसठ लाख रु० के कुल मूल्य के 13% टी०एन०ई०बी० ऋण-2007 (61 वां ऋण);

(ङ) मात्र पन्द्रह करोड़ सैंतीस लाख रु० के कुल मूल्य के 13% टी०एन०ई०बी० ऋण-2007 (62 वां ऋण);

(च) मात्र बारह करोड़ रु० के कुल मूल्य के 13% टी०एन०ई०वी० ऋण-2007 (63वां ऋण) ; और

(छ) मात्र दो करोड़ पचपन लाख अस्सी हजार रु० के कुल मूल्य के 13.5% टी०एन०ई०सी०वी० ऋण-2003 (65वां ऋण) ।

के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप वाले बंधपत्रों पर उक्त अधिनियम के तहत प्रभाय है ।

[सं० 46/97-स्टाम्प-फा०सं० 33/34/93-बि०क०]  
एस० कुमार, अवर सचिव

### ORDER

New Delhi, the 16th October, 1997

### STAMPS

S.O. 2881.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as—

- (a) 11.50% TNEB Loan-2010 (54th Loan) aggregating to rupees six crores sixty lakhs twenty thousands and three hundred only;
- (b) 12% TNEB Loan-2012 (58th Loan) aggregating to rupees eleven crores twenty nine lakhs seventy seven thousands only;
- (c) 12% TNEB Loan-2012 (59th Loan) aggregating to rupees twelve crores sixteen lakhs thirty five thousands only;
- (d) 13% TNEB Loan-2007 (61st Loan) aggregating to rupees twenty two crores sixty three lakhs only;
- (e) 13% TNEB Loan-2007 (62nd Loan) aggregating to rupees fifteen crores thirty seven lakhs only;
- (f) 13% TNEB Loan-2007 (63rd Loan) aggregating to rupees twelve crores only; and
- (g) 13.5% TNEB Loan-2003 (65th Loan) aggregating to rupees two crores fifty five lakhs eighty thousand only.

issued by Tamil Nadu Electricity Board, Chennai are chargeable under the said Act.

[No. 46/97-STAMPS-F. No. 33/34/93-ST]  
S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 16 अक्टूबर, 1997

स्टाम्प

का०आ० 2882.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय

सरकार एतद्वारा उस शुल्क को माफ करती है जो भारतीय कोंकण रेलवे लि०, नई दिल्ली द्वारा वर्ष 1997-98 के दौरान जारी किए गए एक सौ चौदह करोड़ रु० के समग्र मूल्य के 1 से 1140000 तक की विशिष्ट संख्या वाले 10.5% कर मुक्त कोंकण रेलवे बांडों (7क श्रृंखलाएं) के रूप में प्रोमिसरी नोटों के रूप में वर्णित बांडों पर उक्त अधिनियम के तहत प्रभाय है ।

[सं० 44/97-स्टाम्प-फा०सं० 14/23/97-बि०क०]  
एस० कुमार, अवर सचिव

### ORDER

New Delhi, the 16th October, 1997

### STAMPS

S.O. 2882.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 10.5% tax-free Konkan Railway Bonds (7A-Series) bearing distinctive numbers from 1 to 1140000 aggregating to rupees one hundred fourteen crores only issued by the Konkan Railway Corporation Limited, New Delhi during 1997-98 are chargeable under the said Act.

[No. 44/97-STAMPS-F. No. 14/23/97-ST]  
S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 22 अक्टूबर, 1997

स्टाम्प

का०आ० 2883.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो कर्नाटक राज्य वित्त निगम, बंगलौर द्वारा—

(क) 28-2-95 को आवंटित किए गए मात्र पन्द्रह करोड़ रु० के कुल मूल्य के 1 से 172 तक की विशिष्ट संख्या वाले 12.5% के एस एफ सी बंधपत्र 2005 (62वीं श्रृंखला) ;

(ख) 31-8-95 को आवंटित किए गए मात्र सत्तर करोड़ रु० के कुल मूल्य के 1 से 284 तक की विशिष्ट संख्या वाले 12% के एस एफ सी बंधपत्र-2005 (62वीं श्रृंखला) ;

(ग) 29-12-95 को आवंटित किए गए मात्र सोलह करोड़ रु० के कुल मूल्य के 1 से 84 तक की

विशिष्ट संख्या वाले 14% के एस एफ सी बंधपत्र 2005 (64वीं श्रृंखला-11);

(घ) 30-3-96 को आवंटित किए गए मात्र 6 करोड़ रुपए के कुल मूल्य के 1 से 20 तक की विशिष्ट संख्या वाले 14% के एस एफ सी बंधपत्र-2006 (65वीं श्रृंखला);

(ङ) 30-9-96 को आवंटित किए गए मात्र उननीस करोड़ पितृहतर लाख रु० के कुल मूल्य के 1 से 99 तक की विशिष्ट संख्या वाले 13.85% के एस एफ सी बंधपत्र-2006 (66वीं श्रृंखला) और

(च) 1-2-97 को आवंटित किए गए मात्र पच्चीस करोड़ रु० के इकतालीस लाख रु० के कुल मूल्य के 1 से 84 तक की विशिष्ट संख्या वाले 13.75% के एस एफ सी बंधपत्र-2007 (67वीं श्रृंखला), के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप वाले बंधपत्रों पर उक्त अधिनियम के तहत प्रभावी है।

[सं० 45/97-स्टाम्प-फा० सं० 14/30/96-बि० क०]  
एस० कुमार, अवर सचिव

#### ORDER

New Delhi, the 22nd October, 1997

#### STAMPS

S.O. 2883.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as—

(a) 12.5% KSFC Bonds—2005 (62nd Series) bearing distinctive numbers from 1 to 172 of the aggregate value of rupees fifteen crores only allotted on 28-2-95;

(b) 12% KSFC Bonds—2005 (63rd Series) bearing distinctive numbers from 1 to 284 of the aggregate value of rupees seventeen crores only allotted on 31-8-95;

(c) 14% KSFC Bonds—2005 (64th Series-II) bearing distinctive numbers 1 to 84 of the aggregate value of rupees sixteen crores only allotted on 29-12-95;

(d) 14% KSFC Bonds—2006 (65th Series) bearing distinctive numbers 1 to 28 of the aggregate value of rupees six crores twenty lakhs only allotted on 30-3-96;

(e) 13.85% KSFC Bonds—2006 (66th Series) bearing distinctive numbers from 1 to 99 of the aggregate value of rupees twenty nine crores seventy five lakhs only allotted on 30-9-96; and

(f) 13.75% KSFC Bonds—2007 (67th Series) bearing distinctive numbers from 1 to 84 of the aggregate value of rupees twenty five crores forty one lakh only allotted on 1-2-97 by the Karnataka State Finance Corporation, Bangalore are chargeable under the said Act.

[No. 45/97-Stamp-F. No. 14/30/96-ST]

S. KUMAR, Under Secy.

प्रादेश

नई दिल्ली, 29 अक्टूबर, 1997

का०प्रा० 2884.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/17/97-कस्टम-8 दिनांक 3-2-1997 को जारी किया और यह निर्देश दिया कि श्री धनकुमार चिमनलाल शाह, कमरा नं० 3 सामला भवन (लॉर्ड्स हाउस) प्रथम तल, 141, देशमुख लेन, वी०पी० रोड, मुम्बई-4 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, पुना में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में विदेशी मुद्रा के संरक्षण से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता;

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, महाराष्ट्र मुम्बई के तत्समूख उपस्थित हो।

[फा० सं० 673/11/97-कस्टम-8]

प्रकाश चन्दा, अवर सचिव

#### ORDER

New Delhi, the 29th October, 1997

S.O. 2884.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/11/97-Cus-VIII dated 3-2-1997 under the said sub-section directing that Shri Dhankumar Chimanlal Shah, Room No. 3, Samla Bhavan (Lion House), 1st Floor, 141, Deshmukh Lane, V.P. Road, Mumbai-400004, be detained and kept in custody in the Central Prison, Poona with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Govt. hereby directs the aforesaid person to appear before the Commissioner of Police, Maharashtra, Mumbai within 7 days of the publication of this order in the official Gazette.

[F. No. 673/11/97-Cus. VIII]  
PRAKASH CHANDRA, Under Secy.

आदेश

नई दिल्ली, 29 अक्टूबर, 1997

का०आ० 2885 :—अतः संयुक्त सचिव भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/14/97-कस्टम 8 दिनांक 3-2-1997 की जारी किया और यह निर्देश दिया कि श्री दीपक जी मेलवानी सुपुत्र श्री गोपालदास मोतीराम मेलवानी, (1) 32, शानगरीला, बिल्डिंग, अपोजिट कोलाबा पो०आ०, मुम्बई-5 (2) मैसर्स मेलवानी एण्ड कम्पनी, फ्लोरेन्स हाऊस, ताजमहल होटल के पीछे, फोर्ट, मुम्बई-1 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, पूना में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में विदेशी मुद्रा के संरक्षण से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, महाराष्ट्र, मुम्बई के सम्मुख उपस्थित हो।

[फा०सं० 673/14/97-कस्टम 8]

प्रकाश चन्द्रा, अवर सचिव

#### ORDER

New Delhi, the 29th October, 1997

S.O. 2885.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/14/97-Cus. VIII dated 3-2-1997 under the said sub-section directing that Shri Deepak G. Melwani S/o Shri Gopaladas Motiram Melwani (i) 32, Shangrila Building, opposite Colaba P.O. Mumbai-40005. (ii) M/s. Melwani & Co., Florence House, Behind Tajmahal

Hotel, Fort, Mumbai-1 be detained and kept in custody in the Central Prison, Poona with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Govt. hereby directs the aforesaid person to appear before the Commissioner of Police, Maharashtra, Mumbai within 7 days of the publication of this order in the Official Gazette..

[F. No. 673/14/97-Cus. VIII]  
PRAKASH CHANDRA, Under Secy.

आदेश

नई दिल्ली, 29 अक्टूबर, 1997

का०आ० 2886 :—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की धारा की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/17/97-कस्टम 8 दिनांक 3-2-1997 को जारी किया और यह निर्देश दिया कि श्री नीलेश वासन्त त्रिवेदी, 19 शिवामल रो हाऊस, सैटेलाईट रोड, अहमदाबाद-380015 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, अहमदाबाद में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में विदेशी मुद्रा के संरक्षण से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, गुजरात, अहमदाबाद के सम्मुख उपस्थित हो।

[फा०सं० 673/17/97-कस्टम 8]

प्रकाश चन्द्रा, अवर सचिव

#### ORDER

New Delhi, the 29th October, 1997

S.O. 2886.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under

F. No. 673/17/97-Cus. VIII, dated 3-2-1997 under the said sub-section directing that Shri Nilesh Vasant Trivedi @ Paresh, 19, Shyamal Row House, Satellite Road, Ahmedabad-380 015 be detained and kept in custody in the Central Prison Ahmedabad with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Gujarat, Ahmedabad within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/17/97-Cus. VIII]  
PRAKASH CHANDRA, Under Secy.

आदेश

नई दिल्ली, 16 अक्टूबर, 1997

स्टाम्प

का.प्र. 2887.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो निम्न प्रकार वर्णित प्रोमिजरी नोटों के रूप में बांडों, —

(क) 15-9-97 को आर्बिट्रिट किए गए मात्र एक सौ करोड़ रु. के समग्र मूल्य के एक-2 लाख रुपये वाले 20000001 से 20010000 तक की विनिष्ट संख्या वाले 8.75% कर सुक्त हडको बांड (श्रृंखला-VIII);

(ख) 15-9-97 को आर्बिट्रिट किए गए मात्र एक सौ करोड़ रु. के समग्र मूल्य के एक-एक लाख रु. के 20010001 से 20020600 तक की विनिष्ट संख्या वाले 12.5% कराधेय हडको बांड (श्रृंखला IX (क) ; और

(ग) आवास और शहरी विकास निगम, नई दिल्ली द्वारा 15-9-97 को आर्बिट्रिट किए गए मात्र एक सौ इक्कीस करोड़ रु. के समग्र मूल्य के एक-एक लाख रु. के 20020601 से 20033720 तक के विनिष्ट संख्या वाले 13% कराधेय हडको बांडों श्रृंखला-IX (ख) पर उक्त अधिनियम के तहत प्रभाय है।

[सं. 47/97-स्टाम्प-फा. सं. 14/23/97-व.क.]

एस. कुमार, अवसर सचिव

## ORDER

New Delhi, the 16th October, 1997

## STAMPS

S.O. 2887.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as,—

(a) 8.75% Tax-Free HUDCO Bonds (Series-VIII) bearing distinctive numbers from 20000001 to 20010000 of rupees one lakh each aggregating to rupees one hundred crores only allotted on 15-9-97;

(b) 12.5% Taxable HUDCO Bonds (Series IX-A) bearing distinctive numbers from 20010001 to 20020600 of rupees one lakh each aggregating to rupees one hundred six crores only allotted on 15-9-97; and

(c) 13% Taxable HUDCO Bonds (Series IX-B) bearing distinctive numbers from 20020601 to 20033720 of rupees one lakh each aggregating to rupees one hundred thirty one crores and twenty lakhs only allotted on 15-9-97.

by Housing and Urban Development Corporation Limited, New Delhi are chargeable under the said Act.

[No. 47/97-STAMPS/F. No. 14/23/97-ST]  
S. KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 28 अक्टूबर, 1997

का.प्र. 2888.—भारतीय रिजर्व बैंक की संस्तुति पर बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा घोषणा करती है कि रहिका मध्यवर्ती सहकारी बैंक लि. मधुबनी बिहार पर; उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध इस अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से 31 मार्च, 2000 तक लागू ही होंगे।

[फा. सं. 1(25)/97-ए.सी.]

एस. के. ठाकुर, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th October, 1997

S.O. 2888.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Rohika Central Co-operative Bank Ltd., Madhubani (Bihar) from the date of publication of this notification in the official Gazette to 31 March, 2000.

[No. 1(25)/97-AC]

S. K. THAKUR, Under Secy.

## खाद्य और उपभोक्ता मामले मंत्रालय

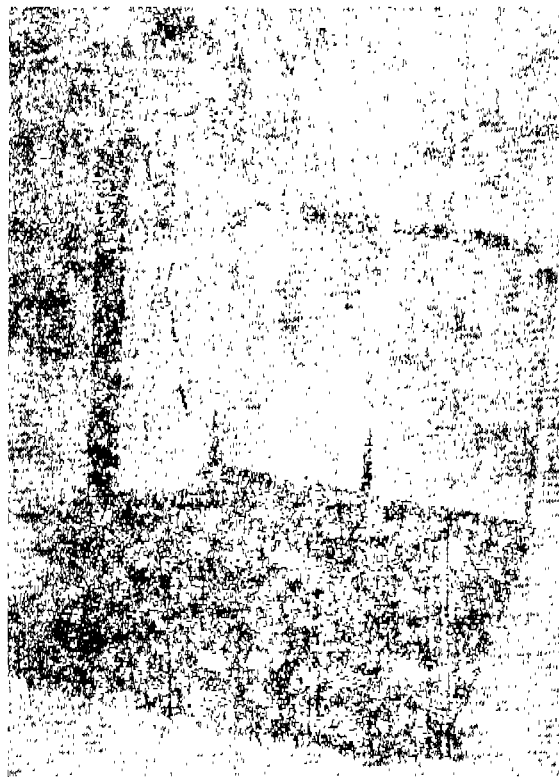
(उपभोक्ता मामले विभाग)

नई दिल्ली, 29 अक्टूबर, 1997

का.आ. 2889.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग III की बी पी एस मिर्रीज टाइप के "वेन" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित इलेक्ट्रॉनिक प्लेट फार्म तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स वेन इलेक्ट्रॉनिक्स, 934, 9वां डी रोड, सरकार पुरा, जोधपुर-342003 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/95/75 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग) (III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। स्थापन मापमान अन्तर (ई) 10 ग्राम है। इसमें एक टेयर युक्त है जिसका व्यकलनात्मक प्रतिधारण प्रभाव 100 प्रतिशत है। भारशाही वर्गीकरण का है जिसका आकार 600×600 मिलीमीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



(आकृति)

अगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत/डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 50 किलोग्राम/5 ग्राम, 200 किलोग्राम 20 ग्राम, 300 किलोग्राम/50ग्राम, 500 किलोग्राम/50ग्राम और 1000 किलोग्राम/100ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है।

[फा.सं. डब्ल्यू. एम 21(67)/95]

राजीव श्रीवास्तव, अपर सचिव

## MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 29th October, 1997

S.O. 2889.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic platform weighing instrument of type BPS series of class III (medium) accuracy with brand name "BEN" (hereinafter referred to as the Model) manufactured by M/s. Ben Electronics, 934, 9th D Road, Sanderpura, Jodhpur-342003, and which is assigned the approval mark IND/09/96/75;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kg and minimum capacity of 200 g. The verification scale interval (e) is 10 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load acceptor is of square section of size 600×600 millimetre. The Light Emitting Diodes display indicates the weighing result. The instrument operates on 239 volts, 50 Hertz alternate current power supply;



(figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 50 kg/5 g, 200 kg/20 g, 200 kg/50 g, 500 kg/50 g and 1000 kg/100 g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approval Model has been manufactured.

[File No WM 21(67)/95]  
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 29 अक्टूबर, 1997

का.आ. 2890.-केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा :

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए (मध्यम) यथार्थता वर्ग III की बीटीटी सिरीज टाइप के "बेन" ब्रांड नाम वाले स्वतःसूचक गैर-सूचक गैर-स्वच्छासित इलेक्ट्रॉनिक टेबल टॉप तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स बेन इलेक्ट्रॉनिक्स 934/9 वीडी रोड सरकार पुरा, जोधपुर-342003 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी. 09/96/76 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 20 ग्राम हैं। सत्यापन मापमान अन्तर (ई) 1 ग्राम है। इसमें एक टेयर युक्त है जिसका व्याकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही वर्गीकार सैक्शन का है जिसका आकार  $250 \times 250$  मिलीमीटर है (प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है) यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन के अनुसार और उसी सामग्रो में जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 500 ग्राम/50 मिलीग्राम, 1 किलोग्राम/100 मिलीग्राम, 2 किलोग्राम/200 मिलीग्राम, 5 किलोग्राम/500 मिलीग्राम, 15 किलोग्राम/2 ग्राम, 20 किलोग्राम/2 ग्राम, 30 किलोग्राम/5 ग्राम और 50 किलोग्राम/5 ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा.सं. डब्ल्यू. एम-21(67)/95]  
राजीव श्रीवास्तव, अपर सचिव

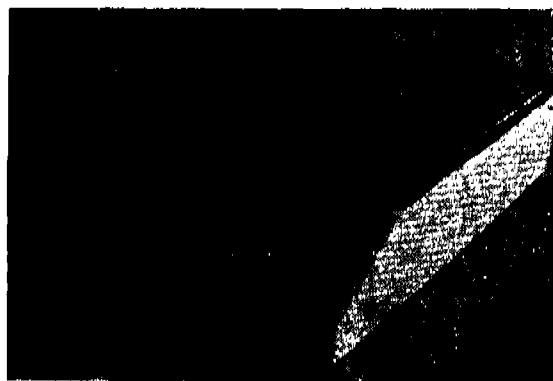


New Delhi, the 29th October, 1997

S.O. 2890.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing instrument of type BTJ series of class III (medium) accuracy with brand name "BEN" (hereinafter referred to as the Model) manufactured by M/s Ben Electronics, 93A, 9th D Road, Sardaipura, Jodhpur-342003, and which is assigned the approval mark IND/09/96/76;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10 kg and minimum capacity of 20 g. The verification scale interval (e) is 1 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is a square section of size 250X250 millimetre. The Light Emitting Diodes display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 500 g/50 mg, 1 kg/100 mg, 2 kg/200 mg, 5 kg/500 mg, 15 kg/2 g, 20 kg/2 g, 30 kg/5 g and 50 kg/5 g, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No WM 21(67)/95]

RAJIV SRIVASTAVA, Addl. Secy.

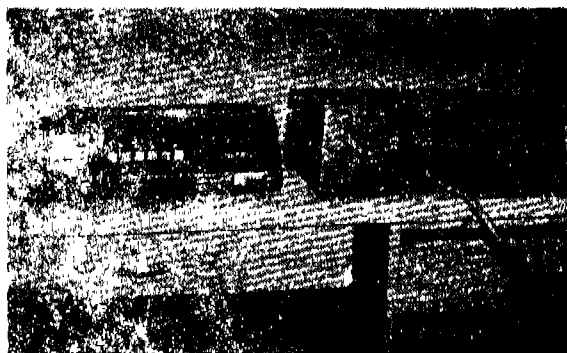
नई दिल्ली, 29 अक्टूबर, 1997

का.भा. 2891.—केंद्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे प्राकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुकूल है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

2807 GI/97—3

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता) वर्ग III की सिरोज डी पी डब्ल्यू सिरोज टाइप के और "सीआईपीआई" नाम वाले स्वतः (सूचक और-स्वचालित इलेक्ट्रॉनिक प्लेटफार्म तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण बैसर्स गैरिडोनिक्स, 8, नार्थ स्ट्रीट, श्रीराम नगर, मद्रास-600010 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/96/79 समरुद्धित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करते हैं।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का इलेक्ट्रॉनिक प्लेटफार्म तोलन उपकरण है। जिसकी अधिकतम क्षमता 150 किलोग्राम और न्यूनतम क्षमता 1 किलोग्राम है। स्थापन मापमान अन्तर (ई) 50 ग्राम है। 7 खंडीय (15 अंक) प्रकाश उत्सर्जन जायें संप्रदर्श तोल परिणाम उद्घोषित करता है। भारग्राही वर्गकार आकृति का है जिसका आकार 450 मिलीमीटर है। यह उपकरण 250 वोल्ट 50 हर्ट्ज के विद्युत प्रदाय पर प्रचालित होता है।



अतः, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और नवी सामग्री से, जिसे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 20 किलोग्राम/5 ग्राम, 30 किलोग्राम/10 ग्राम, 50 किलोग्राम/20 ग्राम, 100 किलोग्राम/50 ग्राम, 200 किलोग्राम/100 ग्राम, 300 किलोग्राम/100 ग्राम, 500 किलोग्राम/200 ग्राम, 1000 किलोग्राम/500 ग्राम, 2000 किलोग्राम/1 किलोग्राम, 3000 किलोग्राम/1 किलोग्राम और 4000 किलोग्राम/2 किलोग्राम की अधिकतम क्षमता वाले समस्त मॉडल, यथार्थता और डी पी डब्ल्यू के कार्यकरण वाले तोलन उपकरण भी हैं।

[पा.सं. डब्ल्यू एम 21(52)/92]

राजीव श्रीवास्तव, अपर सचिव

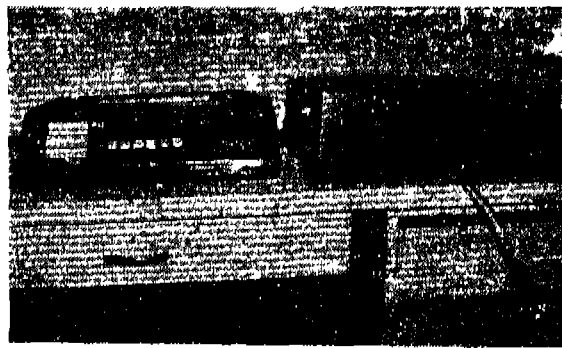
New Delhi, the 29th October, 1997

S.O. 2891.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic electronic, platform weighing machine of series "DPW" series of class III (Medium accuracy) and with brand name "CIBI" (hereinafter referred to as the Model) manufactured by M/s. Gitanomics, 8, North Street, Sriram Nagar, Madras-600010, and which is assigned the approval mark IND/09/96/79;

The Model (see figure) is a medium accuracy (accuracy class III) electronic platform weighing instrument with a maximum capacity of 150 kg and minimum capacity of 1 Kg. The verification scale interval

(e) is 50 g. The 7 segment (15 digits) LED digital display indicates the weighing result. The load receptor is of square shape of size 450 mm. The instrument works on 250 volts 50 hertz power supply.



(figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 20 kg/5g, 30 kg/10 g, 50 kg/20 g, 100 kg/50 g, 200 kg/100 g, 300 kg/100 g, 500 kg/200 g, 1000 kg/500 g, 2000 kg/1 kg, 3000 kg/1 kg and 4000 kg/2 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same material with which, the approval Model has been manufactured.

[F. No WM-21(52)/92]  
RAJIV SRIVASTAVA, Addl. Secy.

मानव संसाधन विकास मंत्रालय  
(संस्कृति विभाग)  
भारतीय पुरातत्व सर्वेक्षण  
नई दिल्ली, 29 अक्टूबर, 1997  
(पुरातत्व)

का.भा. 2892. --केंद्रीय सरकार को यह राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है।

अतः, अब, केंद्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक की राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना देती है।

ऐसे किसी आक्षेप पर, जो उक्त प्राचीन संस्मारक में हितवद्ध किसी व्यक्ति से इस अधिसूचना के राजपत्र में जारी किए जाए की तारीख से दो मास की अवधि के भीतर प्राप्त होंगे, केंद्रीय सरकार विचार करेगी। आक्षेप, महानिदेशक, भारतीय पुरातत्व सर्वेक्षण, जनपथ, नई दिल्ली 110011 के पते पर भेजे जाये।

## अनुसूची

राज्य	जिला	तहसील	परिक्षेत्र	संस्मारक/ स्थल का नाम	संरक्षण के अधीन सम्मिलित किए जाने वाली संख्या	क्षेत्र (हेक्टर में)	स्वामित्व	सीमाएं
1	2	3	4	5	6	7	8	9
हरियाणा	करनाल	असांध	असांध (सलवान)	जरासंध के किले के रूप में ज्ञात कुशाण स्तूप	खमरा सं. 537 भाग या 0.356 हेक्टर	3560.65 वर्ग मी.	आनादी देह (हरियाणा सरकार)	उत्तर : खसरा सं. 537 भाग पूर्व : खसरा सं. 437 भाग दक्षिण : खसरा सं. 537 भाग पश्चिम : खसरा सं. 537 भाग

सत्यपाल, निदेशक (प्रशासन)

5 0 5 15 25 मी.टल

[illegible]

प्रश्नार्थक हस्तु प्रस्तावित कील --

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Culture)

## ARCHAEOLOGICAL SURVEY OF INDIA

New Delhi, the 29th October, 1997

(Archaeology)

S.O. 2892.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed to this notification is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monuments to be of national importance.

Any objection to the declaration of the said monument to be of national importance, which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government. The objections may be sent to the Director General, Archaeological Survey of India, New Delhi-110011.

## SCHEDULE

State	District	Tehsil	Locality	Name of Ancient Monument Site	Revenue plot num- bers to be included under protection	Area in hectares	Ownership	Boundaries
1	2	3	4	5	6	7	8	9
Haryana	Karnal	Asandh	Asandh (Salwan)	Kushana Stupa known as Jarasandh ka Quila	Khasra number 537 part	3560.65 Sq. M or 0.356 hectare	Abadi Deh (Government of Haryana)	North-Khasra number 537 Part East—Khasra number 537 Part South—Khasra number 537 Part West—Khasra number 537 Part



POPULATED AREA

KHASRA NO. 537

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MEWA SINGH

PATI RAM BADYA

PREM S/O SEWA RAM

SEWA RAM

GIRDHARI LAL

SOHAN SINGH

BALKAR SINGH

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AREA PROPOSED FOR PROTECTION SHOWN AS \_\_\_\_.

[F.No. 2/23/92-M]

SATYA PAL, Director (Admin.)

नई दिल्ली, 14 नवम्बर, 1997

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

का० प्रा० सं. 2893 :-यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में मोरि-6 से मोरि इ. पि. एस. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा की 3 उपधारा द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयल और नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और वेखभाल प्रभाग, कृष्णा गोदावरी परियोजना, राज-महेन्द्री-533103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनैविष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

## अनुसूची

आर. प्रो. यू. पाइप लाइन मोरि-6 से मोरि इ. पि. एस.

राष्ट्र आन्ध्र प्रदेश-जिला पूरब गोदावरी-मंडल-स खने ट पल्लि

गांव	आर. एस. नं	हेक्टर्स	एर्स	सेम्टयेर्स	एकर्स	सेम्टस
1	2	3	4	5	6	7
केशवदासुपालेम	416/2, 3pt	0	06	0	0	15
	417/8, 5 pt	0	03	0	0	08
	392/5pt	0	03	0	0	08
	392/6pt	0	06	0	0	15
	392/5, 6pt	0	03	0	0	09
	392/5pt	0	03	5	0	09
	392/5pt	0	03	5	0	09
	392/5pt	0	03	0	0	07
	419/2pt	0	12	5	0	31
	392/5pt	0	03	0	0	07
	392/5pt	0	03	0	0	08
	391/pt	0	03	5	0	05
	419/2pt	0	12	0	0	30
	420/2pt	0	09	0	0	22
	419/2pt	0	28	5	0	70
	421/2	0	08	5	0	21
	387/3	0	16	0	0	39
		1	24	5	3	04

[सं. प्रो-12016/6(24)/97-प्रो एन जी-जी IV]

एम. माटिन, डैस्क अधिकारी

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 14th October, 1997

S. O. 2893.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from MORI — 6 to MORI EPS in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 24 days from the date of this notification, to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited Construction & Maintenance Division K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically whether I wished to be heard in person or by legal Practitioner.

## ROU FLOW LINE FROM MORI-6 TO MORI EPS

**State : Andhra Pradesh**

**Mandal : Sakhinetipalli**

District : E.G.

Village	S.No.	Hectars	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
Kesavadasupalem (V)	416/2, 3pt	0	06	0	0	15
	417/8, 5pt	0	03	0	0	08
	392/5pt	0	03	0	0	08
	392/6pt	0	06	0	0	15
	392/5, 6pt	0	03	0	0	09
	392/5pt	0	03	5	0	09
	392/5pt	0	03	5	0	09
	392/5pt	0	03	0	0	07
	419/2pt	0	12	5	0	31
	392/5pt	0	03	0	0	07
	392/5pt	0	03	0	0	08
	391/pt	0	03	5	0	05
	419/2pt	0	12	0	0	30
	420/2pt	0	09	0	0	22
	419/2pt	0	28	5	0	70
	421/2	0	08	5	0	2
	387/3	0	16	0	0	39
		1	24	5	3	40

[No. O-12016/6(24)/97-ONG-DIV]

**M. MARTIN, Desk Officer**

महं दिल्ली, 14 फरवरी, 1997

का. प्रा. 2894:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में प्राइ. पी. एस.—3 से जी सी एस नगरम तक पेट्रोलियम के परिवहन के लिए पाइप लाइन प्रायल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

श्रीर. धतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।



अतः अब पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्षों की उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयल नेचुरल एण्ड गैस कार्पोरेशन लिमिटेड निर्माण और देखभाल प्रभाग, कृष्णा गोदावरी परियोजना, राजनहरो—533103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसको सुनवा व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

घार. ओ. यु. पाइप लाइन आइ पि एस—3 (पासरलपूडि—10) टु जी. सी. एस. (नगरम) ताटिपाका  
स्टेट : आंध्र प्रदेश मंडल : मामिडिकुटुम जिला : पूरब गोदावरि

गांव	घार एस नं.	हेक्टर	ऐस	सेन्टियर्स	एकड़	सेन्ट्स
1	2	3	4	5	6	7
मामिडिकुटुम	50/1B	0	03	0	0	08
	2B	0	02	5	0	06
	50/5A2	0	12	0	0	31
	49/1B, 2A3	0	12	5	0	32
	50/3A2	0	05	0	0	12
	48B2	0	01	5	0	04
	48/2	0	07	5	0	19
	55/2	0	09	5	0	23
	56/4B	0	13	0	0	33
	56/5A2	0	03	5	0	09
	56/5B1	0	07	0	0	18
	38/2B	0	05	0	0	12
	38/1B	0	08	5	0	21
	38/3B	0	05	0	0	12
	37/2	0	07	5	0	18
	36/2B	0	04	5	0	11
	36/4B	0	07	5	0	18
	36/5B2	0	03	0	0	07
	36/6A2	0	03	5	0	09
	32/1B	0	07	0	0	17
	33/2	0	12	0	0	31
	35/1B	0	05	0	0	12
	33/5B	0	03	0	0	20
	18/2B	0	05	5	0	13
	18/3B	0	04	5	0	11
	16/4B1	0	01	0	0	03
	16/4A2	0	04	5	0	11
	16/4C2	0	04	0	0	10
	14/2B	0	09	0	0	23
	5C2	0	35	0	0	85
	6/1C2	0	10	5	0	26
	7/1E, 1B	0	28	5	0	68
	17/2	0	03	0	0	07
	51/2	0	05	5	0	13
		2	64	5	6	53

[सं. ओ.—12016/6 (25)/ 97-ओ एन जी डी 4(53)]

New Delhi, the 14th October, 1997

S.O. 2894.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from I.P.S. — 3 to GCS Tatipaka in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the land may object within 21 days from the date of notification to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited, Construction & Maintenance Division, K.G. Project, Rajahmundry-533103.

And, every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

## ROU FLOW LINE FROM IPS-3 TO GCS (NAGARAM) TATIPAKA

State : Andhra Pradesh

Mandal : Mamidikuduru

District : East Godawari

Village	S.No.	Hectars	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
Mamidikuduru	50/1B	0	03	0	0	08
	50/2B	0	02	5	0	06
	50/5A2	0	12	0	0	31
	49/1B, 2A3	0	12	5	0	32
	50/3A2	0	05	0	0	12
	50/3B2	0	01	5	0	04
	48/2	0	07	5	0	19
	55/2	0	09	5	0	23
	56/4B	0	13	0	0	33
	56/5A2	0	03	5	0	09
	56/5B1	0	07	0	0	18
	38/2B	0	05	0	0	12
	38/1B	0	08	5	0	21
	38/3B	0	05	0	0	12
	37/2	0	07	5	0	18
	36/2B	0	04	5	0	11
	36/4B	0	07	5	0	18
	36/5B2	0	03	0	0	07
	36/6A2	0	03	5	0	09
	32/1B	0	07	0	0	17
	33/2	0	12	0	0	31
	18/1B	0	05	0	0	12
	16/5B	0	08	0	0	20
	18/2B	0	05	5	0	13
	18/3B	0	04	5	0	11
	16/4B1	0	01	0	0	03
	16/4A2	0	04	5	0	11
	16/4C2	0	04	0	0	10
	14/2B	0	09	0	0	23
	5C2	0	35	0	0	85
	6/1C2	0	10	5	0	26
	7/1E, 1B	0	28	5	0	68
	17/2	0	03	0	0	07
	51/2	0	05	5	0	13
		2	64	5	6	53

नई दिल्ली, 14 अक्टूबर, 1997

का. आ. 2895:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में पासलपूडि-18 से पासलपूडि-10 तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आवन एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुपूची में वर्णित भूमि में जागीर का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन प्रतिनिध, 1932 (1932 का 59) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते की उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए प्राप्ति प्राप्त प्राप्ति, आयल नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और देखभाल प्रभाग, कृष्णा गोदावरी परियोजना, राजमहेंद्री-533103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

आर ओ यू पाइप लाइन पासलपूडि-8 से पासलपूडि-0

राष्ट्र : आन्ध्र प्रदेश

जिला : पूरब गोदावरी

मंडल : मामिडिकुटूरु

गांव	आर एस	हेक्टार्स	सेर्स	सेन्टयेर्स	येकर्स	सेन्टर्स
1	2	3	4	5	6	7
पासलपूडि बडवा						
	414/C	0	03	5	0	04
	414/5, 4	0	09	5	0	23
	414/4	0	10	5	0	26
	414/2	0	07	5	0	18
	413/4	0	09	0	0	24
	412/5, 4	0	09	0	0	22
	298	0	10	0	0	25
	412/1, 4	0	10	0	0	25
	304/1, 2	0	12	0	0	30
	412/1	0	04	0	0	10
	412/4	0	05	5	0	13
	412/1	0	07	5	0	18
	302/7	0	09	5	0	23
	302/5, 6	0	06	5	0	16
	302/4, 3	0	07	0	0	17
	302/1, 2	0	12	0	0	30
	302/1	0	06	5	0	16
	299	0	05	5	0	14
	304/3, 4	0	08	0	0	20
	304/3	0	05	0	0	12
	304/3	0	02	0	0	05
	304/2	0	02	0	0	05
	304/2	0	02	0	0	05
	304/2	0	03	5	0	09
	296/1	0	04	0	0	10
	298/2	0	09	5	0	23
	297/pt	0	12	5	0	31
	297/pt	0	10	5	0	26

1	2	3	4	5	6	7
पार्लापूडी बडवा	297/pt	0	04	0	0	10
	297/pt	0	11	5	0	28
	313	0	14	0	0	34
	312/12	0	33	0	0	82
	320	0	06	0	0	15
	322	0	06	5	0	16
		2	79	5	6	90
पार्लापूडी लवा	160/3	0	10	0	0	23
	157/11	0	09	0	0	21
	167/2	0	05	0	0	12
	163	0	03	0	0	08
	166/15	0	03	0	0	08
	166/13	0	03	0	0	08
	166/7	0	05	5	0	14
	166/12	0	05	5	0	14
	166/8, 11	0	06	5	0	16
	166/9	0	03	0	0	08
	166/1	0	01	5	0	04
		0	55	9	1	36

[[सं. प्रो-12016/6/(26)/97-प्रो एन जी डी-IV]

एम. माटिन, डेस्क अधिकारी

New Delhi, the 14th October, 1997

S. O. 2895.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from PASARLAPUDI-18 to PASARLAPUDI-10 in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in the Land Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the land may object within 21 days from the date of notification to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited Construction & Maintenance Division, K.G. Project, Rajahmundry-533 103.

And every person making such an objection shall also state specifically whether he wished to be heard in person or by legal practitioner.

## FLOW LINE FROM PASARLAPUDI-18 TO PASARLAPUDI-10

State : Andhra Pradesh

Mandal : Mamidikuduru

District : E.G.

Village	S.No.	Hectars	Ares	Cents	Acres	Cents
1	2	3	4	5	6	7
Pasarlupudi Badava	414/C	0	03	5	0	04
	414/5, 4	0	09	5	0	23
	414/4	0	10	5	0	26
	414/2	0	06	5	0	18
	413/4	0	09	0	0	24

1	2	3	4	5	6	7
Pasarlapudi Lanka	412/5, 4	0	09	0	0	22
	298	0	10	0	0	25
	412/1, 4	0	10	0	0	25
	304/1, 2	0	12	0	0	30
	412/1	0	04	0	0	10
	412/4	0	05	5	0	13
	412/1	0	07	5	0	18
	302/7	0	09	5	0	23
	302/5, 6	0	06	5	0	16
	302/4, 3	0	07	0	0	17
	302/1, 2	0	12	0	0	30
	302/1	0	06	5	0	16
	299	0	05	5	0	14
	304/3, 4	0	08	0	0	20
	304/3	0	05	0	0	12
	304/3	0	02	0	0	05
	304/2	0	02	0	0	05
	304/2	0	02	0	0	05
	304/2	0	03	5	0	09
	296/1	0	04	0	0	10
	298/2	0	09	5	0	23
	297/pt	0	12	5	0	31
	297/pt	0	10	5	0	26
	297/pt	0	04	0	0	10
	297/pt	0	11	5	0	28
	313	0	14	0	0	34
	312/12	0	33	0	0	82
	320	0	06	0	0	15
	322	0	06	5	0	16
		2	79	5	6	90
	160/3	0	10	0	0	23
	157/11	0	09	0	0	21
	167/2	0	05	0	0	12
	163	0	03	0	0	08
	166/15	0	03	0	0	08
	16/15	0	03	0	0	08
	166/7	0	05	5	0	14
	166/12	0	05	5	0	14
	166/8, 11	0	06	5	0	16
	166/9	0	03	0	0	08
	166/1	0	01	5	0	04
		0	55	0	1	36

नई दिल्ली, 14 अक्टूबर, 1997

का. आ. 2896.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में ताटिपाक—8 में जि. सि. एस. नगरम तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

अतः अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुमूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी आयल नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और देखभाल प्रभाग, कृष्णा गोदावरी परियोजना, राजमुहेंद्री—533103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उनको सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

आर. ओ. यु. पाइप लाइन ताटिपाक—8 से जि. सि. एस. नगरम

राष्ट्र : आन्ध्र प्रदेश

जिला : पूर्वी गोदावरी

मंडल : मार्माडिकुदुरु

गांव	आर. एस. नं.	हेक्टास	सेस	सेन्टसेस	यकस	सेन्टस
1	2	3	4	5	6	7
<b>नगरम</b>						
	349/4E	0	08	0	0	20
	349/5C2	0	01	0	0	03
	349/4D2	0	08	0	0	20
	349/4C2	0	06	0	0	15
	349/4B1	0	06	0	0	15
	349/2D1	0	01	0	0	03
	347/3A2	0	09	5	0	22
	349/2C	0	04	0	0	10
	347/1B	0	11	5	0	28
	347/2A1	0	00	5	0	01
	349/2B2	0	04	0	0	10
	349/3A2	0	02	5	0	06
	349/1B	0	14	5	0	35
	347/3C2	0	00	5	0	01
	349/4A	0	02	0	0	05
	347/2B2	0	06	0	0	15
	346/1C2	0	01	5	0	04
	347/3B2	0	01	0	0	03
	340/4C	0	08	0	0	20
	335/6B	0	04	5	0	11
	335/7A1	0	01	0	0	02
	335/8A	0	01	0	0	02
	340/4B	0	05	5	0	13
	340/1C/6	0	04	0	0	10
	340/1C2	0	09	0	0	24
	340/1C5	0	01	0	0	03
	341/1A	0	00	5	0	01
	341/1C	0	00	5	0	01

1	2	3	4	5	6	7
नगरम	340/1B2	0	03	0	0	07
	340/1A2	0	06	5	0	16
	335/1B2	0	03	0	0	08
	335/1A2	0	12	0	0	30
	335/9B	0	07	5	0	18
	336/1B	0	14	5	0	35
	338/2B	0	09	0	0	22
	338/1B	0	07	0	0	17
	107/1B	0	00	5	0	01
	107/2A	0	03	0	0	08
	115/1B	0	01	0	0	03
	115/2B	0	01	0	0	03
	114/4G	0	03	0	0	07
	114/1B3	0	04	5	0	11
	114/4D	0	06	5	0	15
	114/1B3	0	01	5	0	04
	112/10B	0	01	0	0	02
	114/1B2	0	11	5	0	29
	114/4A	0	04	0	0	10
	114/4G	0	01	0	0	03
	116/2	0	02	5	0	06
	155/2	0	03	0	0	08
	342/2	0	03	5	0	08
	348/2	0	02	5	0	06
		5	35	0	5	85
काहलि	344/1A2/2	0	10	0	0	25
	344/4A	0	04	5	0	11
	344/1B/3	0	14	0	0	35
	342/1B	0	12	0	0	30
	342/2B	0	03	0	0	08
	342/3B	0	05	0	0	12
	342/4B	0	05	0	0	12
	342/5B	0	03	5	0	09
	342/6B	0	03	5	0	09
	342/7B	0	08	5	0	20
	340/1B	0	16	5	0	40
	340/2A	0	05	5	0	14
	387/5B	0	05	5	0	14
	390/2B	0	11	5	0	29
	508/1B	0	19	5	0	47
	508/2A	0	02	5	0	06
	508/2A	0	16	0	0	40
	510/1B	0	12	5	0	30
	508/1C	0	02	0	0	05
	508/2B	0	00	5	0	01
	502/1B	0	03	5	0	09
	502/1C	0	11	5	0	28
	502/2B	0	04	0	0	10
	502/2C	0	11	5	0	28
	503/2B	0	11	5	0	28
	503/2C	0	11	5	0	28
	503/2D	0	04	5	0	10

1	2	3	4	5	6	7
कहलिय	503/3B	0	06	0	0	15
	483/1B	0	06	0	0	15
	358/1B	0	04	0	0	17
	482/4B	0	04	5	0	10
	482/1B	0	03	0	0	00
	359/5B	0	02	5	0	06
	389/3B	0	16	0	0	40
	403/1A	0	01	5	0	04
	402/2B	0	03	0	0	08
	389/4B	0	12	5	0	31
	398/2B	0	11	5	0	28
	398/2B	0	11	5	0	28
	382/1B	0	16	0	0	40
	435/1B	0	27	0	0	67
	398/2C	0	09	5	0	23
	398/2D	0	06	5	0	16
	402/2C	0	07	0	0	18
	402/3B	0	02	5	0	06
	402/1D	0	20	0	0	50
	402/1C	0	06	5	0	16
	410/1	0	06	0	0	15
	401/2B	0	16	0	0	40
	402/1B	0	07	0	0	17
	382/1C	0	08	0	0	20
	427/3	0	18	5	0	46
	427/2	0	02	0	0	05
	426/2	0	10	0	0	26
	418/2B	0	17	5	0	42
	418/1B	0	6	0	0	40
	419/1B	0	13	0	0	32
	419/2A	0	00	5	0	01
	508/3B	0	00	5	0	01
	415/2B	0	02	0	0	05
	417/1B	0	38	5	0	94
	341/2	0	03	0	0	08
	383/2	0	03	5	0	09
	391/2	0	03	0	0	07
	413/2	0	02	5	0	06
	482/2B	0	03	0	0	07
	484/2	0	06	0	0	15
	506/2	0	03	0	0	07
		5	74	5	14	20
सेखुवाडा	145/1C	0	07	5	0	18
	145/1B	0	02	5	0	06
	130/4	0	09	0	0	22
	145/1D	0	18	5	0	46
	150/3B	0	13	5	0	33
	152/3A	0	00	5	0	01
	152/1A	0	10	0	0	25
	150/3C	0	20	0	0	50
	130/5	0	05	5	0	14



1	2	3	4	5	6	7
गैरबाडा	150/1A2	0	04	0	0	10
	151/1B	0	18	0	0	45
	152 4B1	0	01	0	0	02
	130/3	0	06	5	0	16
	130/2	0	06	5	0	15
	129/1	0	01	0	0	03
	144/-	0	04	0	0	10
		1	27	5	3	16

[सं. ओ.-12016/6(27)/97-ओ एन जी डी IV]

एम. मार्टिन, डैस्क अधिकारी

New Delhi, the 14th October, 1997

S. O. 2896.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Tatipaka 8 to GCS Nagaram in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land Act, 19-2-50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may object within 24 days from the date of this notification, to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited, Construction and Maintenance Division, K.G. Project, Rajahmundry-533 103.

And every person making such an objection shall also state specifically whether I wished to be heard in person or by legal Practitioner.

## ROU FLOW LINE FROM TATIPAKA-8 TO GCS NAGARAM

State : Andhra Pradesh

Mandal : Mamidikuduru

District : E.G.

Village	S.No.	Hectars	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
Nagaram	349/4E	0	08	0	0	20
	349/5C2	0	01	0	0	03
	349/4D2	0	08	0	0	20
	349/4C2	0	06	0	0	15
	349/4B1	0	06	0	0	15
	349/2D1	0	01	0	0	03
	347/3A2	0	09	5	0	22
	349/2C	0	04	0	0	01
	347/1B	0	11	5	0	28
	347/2A1	0	00	5	0	10
	349/2B2	0	04	0	0	10
	349/3A2	0	02	5	0	06
	349/1B	0	14	5	0	35
	347/3C2	0	00	5	0	01
	349/4A	0	02	0	0	05
	347/2B2	0	06	0	0	15

1	2	3	4	5	6	7
Nagaram (contd.)	346/1C2	0	01	5	0	04
	347/3B2	0	01	0	0	03
	340/4C	0	08	0	0	20
	335/6B	0	04	5	0	11
	335/7A1	0	01	0	0	02
	335/8A	0	01	0	0	02
	340/4B	0	05	5	0	13
	340/1C/6	0	04	0	0	10
	340/1C2	0	09	0	0	24
	340/1C5	0	01	0	0	03
	341/1A	0	00	5	0	01
	341/1C	0	00	5	0	01
	340/1B2	0	03	0	0	07
	340/1A2	0	06	5	0	16
	335/1B2	0	03	0	0	08
	335/1A2	0	12	0	0	30
	335/9B	0	07	5	0	18
	336/1B	0	14	5	0	35
	338/2B	0	09	0	0	22
	338/1B	0	07	0	0	17
	107/1B	0	00	5	0	01
	107/2A	0	03	0	0	08
	115/1B	0	01	0	0	03
	115/2B	0	01	0	0	03
	114/4G	0	03	0	0	07
	114/1B3	0	04	5	0	11
	114/4D	0	06	5	0	15
	114/1B3	0	01	5	0	04
	112/10B	0	01	0	0	02
	114/1B2	0	11	5	0	29
	114/4A	0	04	0	0	10
	114/4g	0	01	0	0	03
	116/2	0	02	5	0	06
	155/2	0	03	0	0	08
	342/2	0	03	5	0	08
	348/2	0	02	5	0	06
		2	35	0	5	85
Kadali	344/1A2/2	0	10	0	0	25
	344/4A	0	04	5	0	11
	344/1B/3	0	14	0	0	35
	342/1B	0	12	0	0	30
	342/2B	0	03	0	0	08
	342/3B	0	05	0	0	12
	342/4B	0	05	0	0	12
	342/5B	0	03	5	0	09
	342/6B	0	03	5	0	09
	342/7B	0	08	5	0	20
	340/1B	0	16	5	0	40
	340/2A	0	05	5	0	14
	387/5B	0	05	5	0	14
	390/2B	0	11	5	0	29
	508/1B	0	19	5	0	47
	508/2A	0	02	5	0	06

1	2	3	4	5	6	7
Kadali (contd.)	508/2A	0	16	0	0	40
	510/1B	0	12	5	0	30
	508/1C	0	02	0	0	05
	508/2B	0	00	5	0	01
	507/1B	0	03	5	0	09
	502/1C	0	11	5	0	28
	502/2B	0	04	0	0	10
	502/2C	0	11	5	0	28
	503/2B	0	11	5	0	28
	503/2C	0	11	5	0	28
	503/2D	0	04	5	0	10
	503/3B	0	06	0	0	15
	483/1B	0	06	0	0	15
	358/1B	0	04	0	0	10
	482/4B	0	04	5	0	10
	482/1B	0	03	0	0	07
	359/5B	0	02	5	0	06
	389/3B	0	16	0	0	40
	403/1A	0	01	5	0	04
	402/2B	0	03	0	0	08
	389/4B	0	12	5	0	31
	398/2B	0	11	5	0	28
	398/2B	0	11	5	0	28
	382/1B	0	16	0	0	40
	435/1B	0	27	0	0	67
	398/2C	0	09	5	0	23
	398/2D	0	06	5	0	16
	402/2C	0	07	0	0	18
	402/3B	0	02	5	0	06
	402/1D	0	20	0	0	50
	402/1C	0	06	5	0	16
	410/1	0	06	0	0	15
	401/2B	0	16	0	0	40
	402/1B	0	07	0	0	17
	382/1C	0	08	0	0	20
	427/3	0	18	5	0	46
	427/2	0	02	0	0	05
	426/2	0	10	0	0	26
	418/2B	0	17	5	0	42
	418/1B	0	6	0	0	40
	419/1B	0	13	0	0	32
	419/2A	0	00	5	0	01
	508/3B	0	00	5	0	01
	417/2B	0	02	0	0	05
	417/1B	0	38	5	0	94
	341/2	0	03	0	0	08
	383/2	0	03	5	0	09
	391/2	0	03	0	0	07
	413/2	0	02	5	0	06
	482/2B	0	03	0	0	07
	484/2	0	06	0	0	15
	506/2	0	03	0	0	07
		5	74	5	14	20

1	2	3	4	5	6	7
Geddada	145/1C	0	07	5	0	18
	145/1B	0	02	5	0	06
	130/4	0	09	0	0	22
	145/1D	0	18	5	0	46
	150/3B	0	13	5	0	33
	152/3A	0	00	5	0	01
	152/1A	0	10	0	0	25
	150/3C	0	20	0	0	50
	130/5	0	05	5	0	14
	150/1A2	0	04	0	0	10
	151/1B	0	18	0	0	45
	152/4B1	0	01	0	0	02
	130/3	0	06	5	0	16
	130/2	0	06	5	0	15
	129/1	0	01	0	0	03
	144/-	0	04	0	0	10
		1	27	5	3	16

[No. O-12016/6(27)/97-O NG-DIV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1997

का०आ० 2897:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में आई०पी०एस० 3 से जि०सी०एस० (नगरम) ताटिपाक तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते की उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड, निर्माण और देखभाल प्रभाग, कृष्णा गोदावरी परियोजना, राजमुहेंद्री 533103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

आर०ओ०यू० पाइप लाइन ऐ०पी०एस० 3 से जि०सी०एस० नगरम

राज्य आन्ध्रप्रदेश जिला : पुरन गोदावरी- मंडल : मामिडिकुदूरु

गाँव	आर०एस० नं०	हैक्टास	येर्स	सेन्टीयेर्स	अकड़	सेन्स
1	2	3	4	5	6	7
पशिलपुडि	16/7B	0	16	5	0	40
	17/2B	0	07	5	0	19
	17/3B	0	14	0	0	33
	15/4B	0	05	5	0	13
	15/5A	0	08	0	0	20
	14/7B	0	11	0	0	27
	13/2B	0	07	0	0	17
	11/2B	0	06	5	0	16
	194/1E	0	01	5	0	04
	11/2C	0	06	5	0	16
	11/2D	0	06	5	0	16
	11/2E	0	06	5	0	16
	194/1A1	0	01	0	0	02

1	2	3	4	5	6	7
पार्श्वपूडि-	196/6A	0	01	0	0	03
	195/5B	0	08	5	0	21
	194/1A2	0	01	0	0	03
	194/2A	0	06	0	0	15
	194/1B	0	01	0	0	03
	194/1C	0	01	0	0	03
	194/1B	0	01	5	0	04
	194/1F	0	01	0	0	03
	194/1G	0	01	5	0	04
	197/1B	0	03	5	0	09
	171/2B	0	01	0	0	02
	171/4B	0	07	0	0	17
	197/2B	0	12	0	0	30
	198/2B	0	21	0	0	51
	191/2B	0	25	5	0	51
	190/2	0	02	5	0	06
	185/1B2	0	03	0	0	08
	185/2A2	0	14	5	0	36
	184/2B	0	03	0	0	08
	184/3B	0	09	0	0	22
	227/2	0	03	0	0	08
	171/1B	0	03	0	0	08
	171/1C	0	05	5	0	13
	164/1B	0	03	0	0	08
	172/2E2	0	23	5	0	57
	162/2	0	02	0	0	05
	170/2A2	0	07	0	0	17
	225/1B	0	08	0	0	20
	225/2A2	0	05	0	0	12
	225/2B2	0	08	0	0	20
	225/3A	0	13	0	0	32
	233/3A2	0	03	0	0	08
	233/3B2	0	03	0	0	08
	233/2B	0	08	0	0	20
	233/4A1	0	01	0	0	03
	233/4B1	0	07	0	0	17
	233/6B	0	05	5	0	14
	241/1A2	0	05	5	0	14
	241/1C1	0	01	0	0	03
	241/2A2	0	03	5	0	09
	242/2C2	0	03	5	0	09
	242/2A2	0	03	5	0	09
	244/2	0	02	0	0	05
	248/4B	0	09	0	0	22
	280/1A2	0	13	0	0	31
	280/6A2	0	02	5	0	06
	280/4A	0	09	0	0	22
	280/5A2	0	03	0	0	08
	11A2	0	02	5	0	06
	13B	0	10	5	0	26
	279/1B	0	08	0	0	20
	279/2B	0	20	5	0	50
	280/12A2	0	02	5	0	06
	280/10B	0	05	5	0	13
		4	36	0	10	77

New Delhi, the 14th October, 1997

S. O. 2897.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from I.P.S. 3 to G.C.S. Nagaram in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land Act, 1962) (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 24 days from the date of this notification, to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited, Construction & Maintenance Division, K.G. Project, Rajahmundry-533 103.

And every person making such an objections shall also state specifically whether wished to be heard in persons or by legal Practitioner.

## FLOW LINE FROM IPS-3 TO GCS NAGARAM

State : Andhra Pradesh		Mandal : Mamidikuduru		District : W.G.		
Village	S.No.	Hectares	Ares	Cents	Acres	Cents
1	2	3	4	5	6	7
Pasarlapudi	16/7B	0	16	5	0	40
	17/2B	0	07	5	0	19
	17/3B	0	14	0	0	33
	15/4B	0	05	5	0	13
	15/5A	0	08	0	0	20
	14 7B	0	11	0	0	27
	13/2B	0	07	0	0	17
	11/2B	0	06	5	0	16
	194/1E	0	01	5	0	04
	11/2C	0	06	5	0	16
	11/2D	0	06	5	0	16
	11/2E	0	06	5	0	16
	194/1A1	0	01	0	0	02
	196/6A	0	01	0	0	03
	195/5B	0	08	5	0	21
	194/1A2	0	01	0	0	03
	194/2A	0	06	0	0	15
	194/1B	0	01	0	0	03
	194/1C	0	01	0	0	03
	194/1B	0	01	5	0	04
	194/1F	0	01	0	0	03
	194/1G	0	01	5	0	04
	197/1B	0	03	5	0	09
	171/2B	0	01	0	0	02
	171/4B	0	07	0	0	17
	197/2B	0	12	0	0	30
	198/2B	0	21	0	0	51
	191/2B	0	25	5	0	51
	190/2	0	02	5	0	06
	185/1B2	0	03	0	0	08
	185/2A2	0	14	5	0	36
	184/2B	0	03	0	0	08
	184/3B	0	09	0	0	22
	227/2	0	03	0	0	08
	171/1B	0	03	0	0	08
	171/1C	0	05	5	0	13

1	2	3	4	5	6	7
Pasarlapudi	164/1B	0	03	0	0	08
	172/2E2	0	23	5	0	57
	162/2	0	02	0	0	05
	170/2A2	0	07	0	0	17
	225/1B	0	08	0	0	20
	225/2A2	0	05	0	0	12
	225/2B2	0	08	0	0	20
	225 3A	0	13	0	0	32
	233/3A2	0	03	0	0	08
	233/3B2	0	03	0	0	08
	233/2B	0	08	0	0	20
	233/4A1	0	01	0	0	03
	233/4B1	0	07	0	0	17
	233/6B	0	05	5	0	14
	241/1A2	0	05	5	0	14
	241/1C1	0	01	0	0	03
	241/2A2	0	03	5	0	09
	242 2C2	0	03	5	0	09
	242/2A2	0	03	5	0	09
	244/2	0	02	0	0	05
	248/4B	0	09	0	0	22
	280/1A2	0	13	0	0	31
	280/6A2	0	02	5	0	06
	280/4A	0	09	0	0	22
	280/5A2	0	03	0	0	08
	11A2	0	02	5	0	06
	13B	0	10	5	0	26
	279/1B	0	08	0	0	20
	279/2B	0	20	0	0	50
	280/12A2	0	02	5	0	06
	280/10B	0	05	5	0	13
		4	36	0	10	77

[No. O-12016/6(28)/97-ONG-DIV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्टूबर, 1997

का०आ० 2898:—यतः केन्द्रीय सरकार को यह प्रतीत है कि लोक हित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में यलमर्षलि-3 से जि०सि०एस० नरसापुर तक पेट्रोलियम परिवहन के लिए पाइपलाइन आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 का 50 की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्षों की उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और देखभाल प्रभाग, कृष्णा गोदावरी परियोजना, राजमुहेंद्री-533103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

आर०ओ०यु० पादप लाइन यलमंचिल-3 से जि०सि०ए०म० नरसापुर

राज्य आन्ध्र प्रदेश-जिला पश्चिम गोदावरी मंडल यलमंचिल

गांव	आर०ए०स०नं०	हैक्टास	येस	सेन्टीयेस	एकड़	सेन्स
कांजा						
Kanza	415/1B	0	09	5	0	23
	416 pt	0	04	5	0	11
	457/1A2	0	01	0	0	02
	458/5B, 4E	0	11	0	0	27
	459/1B2	0	11	0	0	27
	458/3B2	0	08	5	0	21
	458/3B2	0	08	5	0	06
	458/2B	0	02	5	0	12
	459/2B	0	06	0	0	16
	459/2F2	0	04	0	0	10
	459/2D2, 2E2	0	09	5	0	24
	404pt	0	08	5	0	21
	404 pts 2	0	17	0	0	42
	403/6C	0	16	0	0	40
	403/7B	0	04	5	0	11
	403/5C, 5B 5E	0	03	0	0	08
	403/6B	0	05	5	0	13
	359/1B, 2E	0	07	5	0	19
	396pt	0	37	5	0	93
	389pt	0	05	5	0	13
	288/2A2	0	04	6	0	10
	387/3B2	0	08	5	0	21
	3A2					
	387/3A3	0	05	0	0	12
	383/1A2	0	09	0	0	22
	387/3A4	0	03	0	0	08
	387/5D2	0	02	0	0	06
	387/5B2	0	03	0	0	08
	383/1A2, 2B2, A3	0	12	5	0	31
	383/2A2, 3A2	0	07	5	0	19
	385pt	0	18	5	0	46
	357pt	0	02	5	0	06
	356/2B	0	07	5	0	18
	356/3B	0	08	0	0	20
	356/4B2, 4A2	0	16	5	0	41
	358/pt	0	05	5	0	14
	357-1A2, 2B	0	14	5	0	36
	337-2B2	0	21	0	0	52
	301/1B	0	32	5	0	79
	359/1A3	0	06	0	0	15
	335/3B	0	07	5	0	19
	335/3C	0	04	0	0	10
	335/2A2, 1A2	0	12	0	0	30
	336/1,2	0	19	5	0	48
	336/3	0	10	0	0	25
	302/pt	0	16	0	0	40
	298/pt	0	22	5	0	54
	294/2B	0	24	5	0	60



1	2	3	4	5	6	7
	293/2A2	0	14	0	0	35
	292/1B3	0	11	5	0	29
	292/1B2	0	04	0	0	10
	291/4B2	0	05	5	0	13
	291/4A2	0	05	0	0	12
	291/3B	0	09	0	0	24
	290	0	03	0	0	07
		5	33	5	13	19
	259/1A	0	12	5	0	31
	259/1B	0	14	5	0	11
	259/1C	0	02	0	0	05
	259/1D	0	15	5	0	38
	258/3.2	0	31	0	0	77
बिन्दुबरम	93/3	0	20	0	0	50
		0	85	5	3	12
	16/9B	0	02	0	0	05
	16/3B, 2B	0	05	5	0	14
	16/2C	0	06	0	0	15
	16/2D	0	07	5	0	19
गोदी	15/1B	0	07	0	0	17
	15/2B, 3B	0	06	0	0	15
	15/4B	0	03	5	0	09
	15/5B	0	04	0	0	10
	13/1B	0	01	5	0	04
	13/2B	0	04	0	0	10
	12/2B	0	09	5	0	23
	10/3B	0	03	0	0	08
	10/3C	0	03	0	0	08
	10/4B	0	10	0	0	25
	10/4C, 2B	0	06	0	0	15
	9/4B	0	01	5	0	05
	9/1B, 2B	0	08	5	0	21
	9/2C, 1C	0	05	5	0	14
	9/1D	0	03	5	0	09
	3/1B, 5B	0	27	0	0	67
	3/4C	0	04	5	0	11
	3/6B	0	01	5	0	04
	3/6C	0	06	5	0	16
	5/3B	0	05	5	0	13
	5/1B	0	01	5	0	04
		1	44	0	3	60
	101/4B	0	01	5	0	04
	100/6B	0	14	5	0	30
	100/7B	0	03	5	0	09
	100/8B	0	07	0	0	17
	100/8C	0	03	5	0	09

1	2	3	4	5	6	7
यल मॉल	100/10B	0	03	5	0	09
	98/1B, 2B	0	20	0	0	49
	127/B,D	0	25	5	0	63
	127/8C	0	05	5	0	14
	127/1B, 2B	0	03	5	0	09
	2B	0	01	0	0	03
	150/2B	0	16	5	0	41
	150/3B	0	16	0	0	39
	150/3C	0	08	0	0	20
	152/8B	0	10	5	0	26
	12 B					
	171/7B	0	01	5	0	04
	171/6B,5B,8B	0	12	0	0	30
	171/5D	0	09	5	0	23
	170/5B	0	01	0	0	03
	169/1B	0	02	5	0	06
	169/1C	0	06	0	0	15
	169/1D	0	07	0	0	17
	169/1E	0	08	5	0	21
	168/4D	0	05	5	0	13
	167/6D	0	01	0	0	03
	168/3B,2B	0	08	0	0	20
	167/7B, 6C	0	07	0	0	17
	167/3B	0	03	5	0	09
	166/2B,3B	0	03	5	0	09
	166/3C	0	05	0	0	12
	164/2B	0	17	0	0	39
	164/2C	0	04	0	0	10
	152/8B	0	04	0	0	10
	168/3B	0	20	0	0	05
	163/3B	0	04	0	0	10
	163/3C, 6B	0	08	0	0	20
	163/4C, 5B	0	11	5	0	29
		2	72	5	6	72

[सं ओ-12016/6(29)/97-ओएनजीसी-IV]

एम० माटिन, डैस्क अधिकारी

New Delhi, the 14th October, 1997

S.O. 2898.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from ELAMANCHILI 3 to GCS NARASAPUR in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto:

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the land may object within 21 days from the date of notification to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited, Construction & Maintenance Division, K.G. Project Rajahmundry-533 103 ;

And every person making such an objection shall also state specifically whether I wished to be hear in person or by legal practitioner.

## FLOW LINE FROM ELAMANCHILI-3 TO GCS NARASAPUR

State : Andhra Pradesh

Mandal : Elamanchili

Distt. : W.G.

Village	S. No.	Hectars	Areas	Cents	Acres	Cent
1	2	3	4	5	6	7
Kaza	415/1B	0	09	5	0	23
	416 pt	0	04	5	0	11
	457/1A2	0	01	0	0	02
	458/5B, 4B	0	11	0	0	27
	459/1B2	0	11	0	0	27
	458/3B2	0	08	5	0	21
	458/3B2	0	08	5	0	06
	458/2B	0	02	5	0	12
	459/2B	0	06	0	0	16
	459/2F2	0	04	0	0	10
	459/2D2, 2E2	0	09	5	0	24
	404pt	0	08	5	0	21
	404 pts 2	0	17	0	0	42
	403/6C	0	16	0	0	40
	403/7B	0	04	5	0	11
	403/5C, 5B,	0	03	0	0	08
	403/6B	0	05	5	0	13
	359/1B, 2B	0	07	5	0	19
	396pt	0	37	5	0	93
	389pt	0	05	5	0	13
	288/2A2	0	04	6	0	10
	387/3B2/3A2	0	08	5	0	21
	387/3A3	0	05	0	0	12
	383/1A2	0	09	0	0	22
	387/3A4	0	03	0	0	08
	387/5D2	0	02	0	0	06
	387/5B2	0	03	0	0	08
	383/1A2, 2B2, A3	0	12	5	0	31
	383/2A2, 3A2	0	07	5	0	19
	385pt	0	18	5	0	46
	357pt	0	02	5	0	06
	356/2B	0	07	5	0	18
	356/3B	0	08	0	0	20
	356/4B2, 4A2	0	16	5	0	41
	358/pt	0	05	5	0	14
	357/1A2, 2B	0	14	5	0	36
	337/2B2	0	21	0	0	52
	301/1B	0	32	5	0	79
	359/1A2	0	06	0	0	15
	335/3B	0	07	5	0	19
	335/3C	0	04	0	0	10
	335/2A2, 1A2	0	12	0	0	30
	336/1,2	0	19	5	0	48
	336/3	0	10	0	0	25
	302/pt	0	16	0	0	40
	298/pt	0	22	5	0	54

1	2	3	4	5	6	7
Kaza-Continue	294/2B	0	24	5	0	60
	293/2A2	0	14	0	0	35
	292/1B3	0	11	5	0	29
	292/1B2	0	04	0	0	10
	291/4B2	0	05	5	0	13
	291/4A2	0	05	0	0	12
	291/3B	0	09	0	0	24
	290	0	03	0	0	0
		5	33	5	13	19
Chittavaram	259/1A	0	12	5	0	31
	259/1B	0	14	5	0	11
	259/1C	0	02	0	0	05
	259/1D	0	15	5	0	38
	258/3,2	0	31	0	0	77
	93/3	0	20	0	0	50
		0	85	5	2	12
Gondi	16/9B	0	02	0	0	05
	16/3B, 2B	0	05	5	0	14
	16/2C	0	06	0	0	15
	16/2D	0	07	5	0	19
	15/1B	0	07	0	0	17
	15/2B, 3B	0	06	0	0	15
	15/4B	0	03	5	0	09
	15/5B	0	04	0	0	10
	13/1B	0	01	5	0	04
	13/2B	0	04	0	0	10
	12/2B	0	09	5	0	23
	10/3B	0	03	0	0	08
	10/3C	0	03	0	0	08
	10/4B	0	10	0	0	25
	10/4C, 2B	0	06	0	0	15
	9/4B	0	01	5	0	05
	0/1B, 2B	0	08	5	0	21
	9/2C, 1C	0	05	5	0	14
	9/1D	0	03	5	0	09
	3/1B, 5B	0	27	0	0	67
	3/4C	0	04	5	0	11
	3/6B	0	01	5	0	04
	3/6C	0	06	5	0	16
	5/3B	0	05	5	0	13
	5/1B	0	01	5	0	04
		1	44	0	3	60
Elamanehli	101/4B	0	01	5	0	04
	100/6B	0	14	5	0	30
	100/7B	0	03	5	0	09
	100/8B	0	07	0	0	17
	100/8C	0	03	5	0	09
	100/10B	0	03	5	0	09

1	2	3	4	5	6	7
Elamanchili--Contd.	98/1B, 2B	0	20	0	0	49
	127/B,D	0	25	5	0	63
	127/8C	0	05	5	0	14
	127/1B,	0	03	5	0	09
	2B	0	01	0	0	03
	150/2B	0	16	5	0	41
	150/3B	0	16	0	0	39
	150/3C	0	08	0	0	20
	152/8B	0	10	5	0	26
	12B					
	171/7B	0	01	5	0	04
	171/6B,5B,8B	0	12	0	0	30
	171/5D	0	09	5	0	23
	170/5B	0	01	0	0	03
	169/1B	0	02	5	0	06
	169/1C	0	06	0	0	15
	169/1D	0	07	0	0	17
	169/1E	0	08	5	0	21
	168/4D	0	05	5	0	13
	167/6D	0	01	0	0	03
	168/3B,2B	0	08	0	0	20
	167/7B, 6C	0	07	0	0	17
	167/3B	0	03	0	0	09
	166/2B,3B	0	03	5	0	09
	166/3C	0	05	0	0	12
	164/2B	0	17	0	0	39
	164/2C	0	04	0	0	10
	152/8B	0	04	0	0	10
	168/3B	0	20	0	0	05
	163/3B	0	04	0	0	10
	163/3C, 6B	0	08	0	0	20
	163/4C, 5B	0	11	5	0	29
		2	72	5	6	72

[No. O-12016/6(29)/97-ONG-DIV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 अक्तूबर, 1997

का०मा० 2899.—यस: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकाहित में यह आवश्यक है कि आन्धा प्रदेश राज्य में स्टवा आक्शोर पाइपलाइन से ..... तक पेट्रोलियम के परिवहन के लिए पाइपलाइन आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदपारब्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1992 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रयुक्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः की उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, आयल नेचुरल गैस कारपोरेशन लिमिटेड निर्माण और देखभाल प्रभाव, कृष्णा गोवावरी परियोजना, राजामुन्नी-533 103 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की सार्फत।

स्टूवा आफ़शोर पाइपलाइन :

राष्ट्र : आन्ध्र प्रदेश

ज़िला : पूरब गोदावरी

मंडल : उप्पलगुप्तम

ज़िला	मंडल	गांव	आर०एस०नं०	हेक्टर्स येर्स	येकर्स	सेन्ट्स
1	2	3	4	5	6	7
पूरब गोदावरी	उप्पलगुप्तम	एस० यानम				
				318/3C	0.590	1.46
				380/2	0.080	0.20
				387/2,3A	0.015	0.04
				301/1E	0.310	0.77
				300/2A	0.025	0.66
				301/2B	0.025	0.06
				2I	0.030	0.07
				301/2C	0.035	0.08
				2H	0.075	0.18
				301/2D	0.030	0.07
				2G	0.075	0.09
				301/2E	0.040	0.05
				2F	0.145	0.35
				302/1A	0.015	0.03½
				302/2A1	0.035	0.09
				302/3B1	0.052½	0.18½
				302/3C1	0.075	0.19
				302/3D1	0.075	0.24
				302/4B	0.030	0.22
				295/2	0.245	0.60
				300/2A	0.105	0.26
				301/2B	0.050	0.12
				300/3A		
				291/1		
				293/2A	1.64½	4.05
				293/4B		
				292/1		
				394/2		
				293/2B	0.885	2.18
				4A		
				290/2	0.280	0.69
				296/3	0.200	0.90
				296/4	0.130	0.32
				297/2	0.155	0.38
					5.510	13.59½
					Hectares	
					or	
					13.59½	acres

[सं० ओ०-12016/6(30)/97-ओ०एन०जी०बी०-IV]

एम० माटिन, डीएक अधिकारी

New Delhi, the 14th October, 1997

S.O. 2899.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from RAVVA OFFSHORE PIPELINE to in Andhra Pradesh State pipeline should be laid by the Oil & Natural Gas Corporation Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the Land Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may object within 24 days from the date of this notification, to laying the pipeline under the land to the Competent Authority Oil & Natural Gas Corporation Limited, Construction & Maintenance Division K.G. Project, Rajamundry-533 103.

And every person making such an objection shall also state specifically whether. He wished to be heard in person or by legal Practitioner.

## RAVVA OFFSHORE PIPE LINE

State	District	Mandal	Village	Survey Number	Ares	Acres Cents
1	2	3	4	5	6	7
Andhra Pradesh	East Godavari district	Uppalaguptam	S. Yanam	318/3C	0.590	1.46
				380/2	0.080	0.20
				387/2,3A	0.015	0.04
				301/1E	0.310	0.77
				300/2A	0.025	0.66
				301/2B	0.025	0.06
				2I	0.030	0.07
				301/2C	0.035	0.08
				2H	0.075	0.18
				301/2D	0.030	0.07
				2G	0.075	0.09
				301/2E	0.040	0.05
				2F	0.145	0.35
				302/1A	0.015	0.03½
				302/2A1	0.035	0.09
				302/3B1	0.052½	0.18½
				302/3C1	0.075	0.19
				302/3D1	0.075	0.24
				302/4B	0.030	0.22
				295/2	0.245	0.60
				300/2A	0.105	0.26
				301/2B	0.050	0.12
				300/3A } 291/1 } 293/2A }		
				293/4B	1.64½	4.05
				292/1		
				394/2		
				293/2B	0.885	2.18
				4A		
				290/2	0.280	0.69
				296/3	0.200	0.90
				296/4	0.130	0.32
				297/2	0.155	0.38
					5.510	13.59½
					Hectars	
					or	
					13.59½	acres

## स्वास्थ्य और परिवार कल्याण मंत्रालय

(भारतीय चिकित्सा पद्धति एवं होम्योपैथी विभाग)

नई दिल्ली, 28 अक्टूबर, 1997

का.प्रा. 2900.—केन्द्रीय सरकार केन्द्रीय होम्योपैथी परिषद् से परामर्श करने के पश्चात् होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 की उप-धारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करती है अर्थात् :

उक्त द्वितीय अनुसूची में, "कर्नाटक" शीर्षक के नीचे मंगलूर विश्वविद्यालय से संबंधित क्रम सं 76 के सामने स्तम्भ (4) में की प्रविष्टि के स्थान पर निम्न लिखित रखा जाएगा; अर्थात् :—

"1991 से आगे"

[सं. बी. 2702/58/89-होम्यो ]]

चिरंजी लाल, अवर सचिव

टिप्पणी :—मूल अधिसूचना भारत के राजपत्र भाग 2, खंड में का.प्रा. सं. 76 दिनांक 28 दिसम्बर, 1973 को अधिसूचित हुई थी।

MINISTRY OF HEALTH &amp; FAMILY WELFARE

(Department of ISM&amp;H)

New Delhi, the 28th October, 1997

S.O. 2900.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government, after consulting the Central Council of Homoeopathy, hereby makes the following further amendment in the Second Schedule to the said Act, namely :—

In the said Second Schedule, under the heading 'Karnataka' against serial Number 7 C relating to Mangalore University, for the entry in column (4), the following shall be substituted, namely :—

"From 1991 onwards"

[V-27021/58/89-Homoeo]  
CHIRANJI LAL, Under Secy.

NOTE.—The Principle Notification was notified in the Gazette of India Part 2, Section I, vide S.O. No. 76 dated the 28th December, 1973.

## नागर विमानन मंत्रालय

नई दिल्ली, 3 नवम्बर, 1997

का. प्रा. 2901.—केन्द्रीय सरकार, वायुयान नियम, 1937 के नियम 3क के उपनियम (1) के अनुसरण में, भारत के राजपत्र, भाग 2, खंड 3 उपखंड (II), तारीख 6 अक्टूबर 1994 में प्रकाशित भारत सरकार के तत्कालीन नागर विमानन और पर्यटन मंत्रालय की अधिसूचना सं का.प्रा. 727 (अ), तारीख 4 अक्टूबर, 1994 में निम्नलिखित सम्म करती है, अर्थात् :—

(क) प्रथम अनुसूची के स्तम्भ 2 में—

- (i) उप महानिदेशक, नागर विमानन (उपमहानिदेशक नागर विमानन, अनुसंधान और विकास के सित्राय) के सामने "65 से 92" अंकों और शब्द के स्थान पर "64 से 92" अंक और शब्द रखे जायेंगे;
- (ii) निदेशक, प्रशिक्षण और अनुज्ञापन के सामने "61 से 66" अंकों और शब्द के स्थान पर "65, 66" अंक रखे जायेंगे;
- (iii) उप निदेशक, प्रशिक्षण और अनुज्ञापन (मुख्यालय) के सामने "64" का लोप किया जाएगा;
- (i) उपनिदेशक, ज्ञान कर्मोद्भूत मानक के सामने अंक "64" का लोप किया जाएगा।

(ख) द्वितीय अनुसूची में, —

- (i) \* \* \*
- (ii) क्रम सं 41 के सामने "भारतीय सेना" शब्दों के स्थान पर "भारतीय सेना या भारतीय नौसेना" शब्द रखे जाएंगे।
- (iii) क्रम सं 63 के सामने स्तम्भ 3 में "भारतीय वायुयान कर्मियों" शब्दों के स्थान पर "भारतीय वायुसेना के कर्मियों भारतीय सेना या भारतीय नौसेना के वायु कार्यचालन पक्ष" शब्द रखे जाएंगे।

[का सं. ए.बी. 11016/1/93-ए]

बी. जे. मेनन, अवर सचिव

## MINISTRY OF CIVIL AVIATION

New Delhi, the 3rd November, 1997

S.O. 2901.—In pursuance of Sub-rule (1) of rule 3A of the Aircraft Rules, 1937, the Central Government hereby makes the following amendments in the notification of the Government of India in the then Ministry of Civil Aviation & Tourism No. S.O. 727(E) dated the 4th October, 1994, published in the Gazette of India, part II, Section 3, Sub-section (ii), dated the 6th October, 1994, namely :—

(a) In the first schedule, in column 2,—

- (i) against Deputy Director General of Civil Aviation, except Deputy Director General of Civil Aviation, Research and Development, for the figures and word "65 to 92", the figures and word "64 to 92" shall be substituted;
- (ii) against Director of Training and Licensing, for the figures and word "64 to 66", the figures "65, 66" shall be substituted;
- (iii) against Deputy Director of Training and Licensing (Head-quarters), the figures "64" shall be omitted;
- (iv) against Deputy Director of Flight Crew Standards, the figures "64" shall be omitted.

(b) In the second schedule,—

- (i) against serial No. 14, in column 2, for the entry the following shall be substituted, namely :—  
"clause (b) of proviso to rule 27";
- (ii) against serial No. 41, in column 3, for the words "Indian Army", the words "Indian Army or Indian Navy" shall be substituted;



(iii) against serial No. 63, in column 3, for the words "Indian Air Force Personnel", the words "Personnel of the Indian Air Force, Air Operational Wing of Indian Army or Indian Navy" shall be substituted.

[F. No. AV-11016/1/93-A]  
V. J. MENON, Under Secy.

the following entries shall be inserted at Sl. Nos. 1 & 2, namely :

- |                            |   |
|----------------------------|---|
| (1) Shri N. C. Mehta       | } Representatives of<br>Kandla Stevedores'<br>Association." |
| (2) Shri Fakirchand Bansal |   |

[F. No. LB-13014/1/94-US(L) Vol. II]  
JAGDISH ANAND, Director (Labour)

जल-भूतल परिवहन मंत्रालय

(श्रम प्रभाग)

नई दिल्ली, 27 अक्टूबर, 1997

कां०आ० 2902 :—केन्द्रीय सरकार, गोदी कामगार (रोजगार का विनियमन) नियमावली, 1962 के नियम 4 के साथ पठित गोदी कामगार (रोजगार का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5 क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा श्री एन सी मेहता और श्री फकीरचन्द बंसल को कांडला स्टीवडोर एसोसिएशन का प्रतिनिधि नियुक्त करती है और जल-भूतल परिवहन मंत्रालय, भारत सरकार को दिनांक 1 दिसम्बर, 1995 की अधिसूचना सं० कां०आ० 947 (अ) में निम्नलिखित संशोधन करती है अर्थात् :

उक्त अधिसूचना में "गोदी कामगारों का प्रतिनिधित्व कर रहे सदस्य" शीर्ष के तहत दिनांक 20-8-96 की अधिसूचना सं० कां०आ० 2595 द्वारा अधिसूचित की गई दो रिक्तियों के लिए क्रम सं० 1 और 2 पर निम्नलिखित प्रविष्टियाँ की जाएँ अर्थात् :—

- |                        |  |
|------------------------|--|
| "(1) श्री एन सी मेहता  | } कांडला स्टीवडोर एसो-<br>सिएशन के प्रतिनिधि |
| (2) श्री फकीरचन्द बंसल |  |

[फा०सं० श्रम-13014/1/94-अ०सं० (अ०) खंड-II]

जगदीश आनन्द, निवेशक (श्रम)

## MINISTRY OF SURFACE TRANSPORT

(Labour Division)

New Delhi, the 27th October, 1997

S.O. 2902.—In exercise of the powers conferred by sub-section (1) of section 5A of Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) read alongwith rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Shri N. C. Mehta and Shri Fakirchand Bansal, representatives of Kandla Stevedores' Association and makes the following amendments in the notification of the Government of India in the Ministry of Surface Transport, No. S.O. 947(E) dated the 1st December, 1995, namely:

In the said notification, under the heading "Members representing the Dock Workers" against the two vacancies notified vide notification No. S.O. 2595 dated 20-8-96

2807 GI/97-7

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 31 अक्टूबर, 1997

कां०आ० 2903 :—यतः कि भारतीय तार नियमावली, 1951 के नियम 434 (III) (2) (ग) के अन्तर्गत अपेक्षित उपबन्ध के अनुसार कोचीन, कलामस्सेरी, त्रिक्काकरा, त्रिपुनीतुरा, उडयमपेरूर तथा चित्तूर टेलीफोन एक्सचेंज प्रणालियों के स्थानीय क्षेत्रों में संशोधन करने हेतु कोचीन, कलामस्सेरी, त्रिक्काकरा, त्रिपुनीतुरा, उडयमपेरूर तथा चित्तूर में उपलब्ध समाचार पत्रों में एक सार्वजनिक सूचना प्रकाशित की गई थी जिसमें उक्त संशोधन से संभावित रूप से प्रभावित होने वाले किसी भी व्यक्ति से उक्त स्थानों पर उपलब्ध समाचार पत्रों में उक्त सूचना के प्रकाशन की तारीख से 30 दिन के भीतर उनकी आपत्तियाँ और सुझाव मांगे गए थे।

और यतः कि जन साधारण को उक्त सूचना 30-8-1994 के "इण्डियन एक्सप्रेस", 31-8-1994 के "मातृभूमि" तथा 1-9-1994 के मलयाला मनोरमा समाचार पत्रों में उपलब्ध करा दी गई थी।

और यतः कि उक्त सूचना के संबंध में जन-साधारण से प्राप्त आपत्तियों एवं सुझावों पर केन्द्र सरकार द्वारा विचार किया गया है।

अतः अब उक्त नियमावली के नियम 434 (III) (2) (ग) द्वारा प्रदत्त शक्तियों का इस्तेमाल करते हुए, महा-निदेशक, दूरसंचार एतद्वारा यह घोषणा करते हैं कि 16-11-1997 से कोचीन, कलामस्सेरी, त्रिक्काकरा, त्रिपुनीतुरा, उडयमपेरूर तथा चित्तूर टेलीफोन एक्सचेंज प्रणालियों का संशोधित स्थानीय क्षेत्र इस प्रकार है :

### 1. कोचीन टेलीफोन एक्सचेंज प्रणाली :

कोचीन टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र में कोचीन नगर निगम के क्षेत्राधिकार में आने वाला क्षेत्र शामिल होगा परन्तु कोचीन नगर निगम की सीमाओं से बाहर स्थित ऐसे उपमोक्ता, जिन्हें कोचीन टेलीफोन एक्सचेंज प्रणाली से सेवा प्रदान की जा रही है, तब तक स्थानीय काल-दूर से भुगतान करते रहेंगे जब तक कि वे इस प्रणाली के किसी भी एक्सचेंज की 5 किलोमीटर की श्रृंखला की भीतर अवस्थित रहेंगे और इससे जुड़े रहेंगे।

साथ ही यह भी कि इसकी सीमा, उत्तर, उत्तर-पूर्व, पूर्व, दक्षिण-पूर्व तथा दक्षिण में कोचीन नगर निगम की सीमा तक सीमित रहेगी।

## 2. कलामस्सेरी टेलीफोन एक्सचेंज प्रणाली :

कलामस्सेरी टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र के अंतर्गत, कलामस्सेरी नगर पालिका के अधिकार क्षेत्र में आने वाले क्षेत्र शामिल होंगे परन्तु कलामस्सेरी नगर पालिका की सीमाओं से बाहर स्थित ऐसे उपभोक्ता, जिन्हें कलामस्सेरी टेलीफोन एक्सचेंज प्रणाली से सेवा प्रदान की जा रही है, तब तक स्थानीय काल दर से भुगतान करेंगे जब तक कि वे इस प्रणाली के किसी भी एक्सचेंज की 5 किलोमीटर की श्रृंखला दूरी के भीतर अवस्थित रहेंगे और उससे जुड़े रहेंगे।

साथ ही इसकी सीमाएं दक्षिण में पारुथीवेलिल नहर तथा कोचीन नगर निगम की सीमा, पश्चिम में चेरानाल्लूर एल्माक्कारा नहर तथा वारापुज्हा नदी, उत्तर में वारापुज्हा नदी तथा इसके बाद एफएसीटी एवं टीसीसी के बगल से बहने वाली तारापुज्हा की सहायक नदी तथा पूरब में पारु तालुका की सीमा तथा उसके बाद परियार नदी की शाखा तक सीमित होंगी।

## 3. त्रिककाकरा, टेलीफोन एक्सचेंज प्रणाली :

त्रिककाकरा टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र के अंतर्गत त्रिककाकरा टेलीफोन एक्सचेंज से 5 किलोमीटर की श्रृंखला दूरी के भीतर आने वाले क्षेत्र शामिल होंगे परन्तु यह सीमा दक्षिण में इरिपानामपुज्हा, पूरब में मनाकाजनपुज्हा, उत्तर में पारुथीवेली कनाल तथा पश्चिम में कोचीन नगर निगम की सीमा तक सीमित होगी।

## 4. त्रिपुनीतुरा टेलीफोन एक्सचेंज प्रणाली :

त्रिपुनीतुरा टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र के अंतर्गत त्रिपुनीतुरा नगरपालिका के अधिकार क्षेत्र के अंतर्गत आने वाले क्षेत्र शामिल होंगे परन्तु त्रिपुनीतुरा नगरपालिका की सीमा से बाहर रहने वाले ऐसे उपभोक्ता जिन्हें त्रिपुनीतुरा टेलीफोन एक्सचेंज प्रणाली से सेवा प्रदान की जा रही है तब तक स्थानीय काल दर से भुगतान करते रहेंगे जब तक कि वे इस प्रणाली के किसी भी एक्सचेंज से 5 किलोमीटर की श्रृंखला दूरी के भीतर अवस्थित होंगे तथा इससे जुड़े रहेंगे।

परन्तु साथ ही यह सीमा अम्बालामुगल रोड से लगे त्रिपुनीतुरा तिरुक्कुलम मोवातुपुज्हा रोड से लगे पानीक्कारपाडे, सारुथामुगल-तिरुवानियूर रोड से लगे वेन्नीकुलम गंक्शन तथा पूरब में तिरुवानलम-छोट्टानीक्कुकारा रोड से लगे कुट्टरायाथुपारा, उत्तर में इरुमपानामपुज्हा पश्चिम में कोचीन नगर निगम सीमा तथा इसके बाद राष्ट्रीय राजमार्ग बाइपास तथा दक्षिण में उडयमपेरूर पंचायत तक सीमित होगी।

## उडयमपेरूर टेलीफोन एक्सचेंज प्रणाली :

उडयमपेरूर टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र के अंतर्गत उडयमपेरूर टेलीफोन एक्सचेंज से 5 किलोमीटर की श्रृंखला दूरी के भीतर आने वाला क्षेत्र शामिल होगा परन्तु इसकी सीमा उत्तर में उडयमपेरूर पंचायत की सीमा, पश्चिम में वेमवताड झील के बैक वाटर, दक्षिण में पोथोट्टा पुल तथा पूरब में उडयमपेरूर पंचायत सीमा तक सीमित होगी।

## 6. चित्तूर टेलीफोन एक्सचेंज प्रणाली :

चित्तूर टेलीफोन एक्सचेंज प्रणाली के स्थानीय क्षेत्र के अंतर्गत, टेलीफोन एक्सचेंज से 5 किलोमीटर की श्रृंखला दूरी के भीतर आने वाला क्षेत्र शामिल होगा परन्तु यह सीमा, दक्षिण तथा दक्षिण-पूर्व में कोचीन नगर निगम की सीमा, उत्तर-पूरब में एडपल्ली, उत्तर में चेतूर तथा चेरिया-मपूरुय सहित बारापुज्हा नदी तथा पश्चिम में पिज्हाला की पश्चिमी सीमा तथा मोलामपिल्ले द्वीप-समूह तक सीमित होगी।

[फाइल सं. 3-3/85-पीएचबी]

के. के. सपरा, निदेशक फोन (ई)

## MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 31st October, 1997

S.O. 2903.—Whereas a public notice for revising the local areas of Cochin, Kalamassery, Thrikkakara, Tripunithura, Udayamperoor and Chittoor Telephone Exchange Systems was published as required by rule 434 (III) (2) (c) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Cochin, Kalamassery, Thrikkakara, Tripunithura, Udayamperoor and Chittoor, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 30-8-1994 in the Indian Express, 31-8-1994 in the Mathrubhumi and 1-9-1994 in the Malayala Manorama newspapers.

And whereas objections and suggestions received from the public on the said notice have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Rule 434 (III) (2)(c) of the said rules, The Director General, Telecommunications hereby declares that with effect from 16-11-1997, the revised local area of Cochin, Kalamassery, Thrikkakara, Tripunithura, Udayamperoor and Chittoor telephone exchange systems shall be as under :

1. Cochin Telephone Exchange System : The local area of Cochin Telephone Exchange System shall cover an area falling under the jurisdiction of

Cochin Municipal Corporation provided that the telephone subscribers located outside the Cochin Municipal Corporation limits but who are served from Cochin Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 kms radial distance of any exchange of this system and remain connected to it:

Provided further that this limit shall be restricted to Cochin Municipal Corporation boundary in the North, North-East, East, South-East and South.

2. Kalamassery Telephone Exchange System: The local area of Kalamassery Telephone Exchange System shall cover an area falling under the jurisdiction of Kalamassery Municipality provided that the telephone subscribers located outside the Kalamassery Municipality limits but who are served from Kalamassery Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 kms radial distance of any exchange of this system and remain connected to it:

Provided further that this limit shall be restricted to Paruthivelil Canal and Cochin Municipal Corporation Boundary in the South. Cheranalloor-Elamakkara Canal and thereafter Varapuzha river in the West. Varapuzha river and thereafter branch of Varapuzha river running by the side of FACT and TCC in the North, Parur taluk boundary and thereafter branch of Periyar river in the East.

3. Thrikkakara Telephone Exchange System.—The local area of Thrikkakara Telephone Exchange System shall cover an area falling within 5 kms radial distance from Thrikkakara Telephone Exchange provided that this limit shall be restricted to Iripampuzha in the South, Manakadavupuzha in the East, Paruthivali Canal in the North and Cochin Municipal Corporation Boundary in the West.

4. Tripunithura Telephone Exchange System.—The local area of Tripunithura Telephone Exchange System shall cover an area falling under the jurisdiction of Tripunithura Municipality provided that the telephone subscribers located outside the Tripunithura Municipality limits but who are served from Tripunithura Telephone Exchange System shall continue to pay local tariffs as long as they are located within 5 kms radial distance of any exchange of this system and remain connected to it;

Provided further that this limit shall be restricted to Chitrapuzha along Ambalamugal Road, Panikkarnadu along Thiruvankulam Moovattupuzha Road, Vennikulam Junction along Sasthamugal-Thiruvannur Road and Kottavathupara along Thiruvankulam-Chottanikkara Road on the

East, Irumpanampuzha in the North, Cochin Corporation boundary and thereafter National Highway bye-pass in the West and the boundary of Udayamperoor Panchayat in the South.

5. Udayamperoor Telephone Exchange System.—The local area of Udayamperoor Telephone Exchange System shall cover an area falling within 5 kms radial distance from Udayamperoor Telephone Exchange provided that this limit shall be restricted to the boundary of Udayamperoor Panchayat in the North, back waters of Vembanad lake in the West, Poothotta Bridge in the South and Udayamperoor Panchayat boundary in the East.

6. Chittoor Telephone Exchange System.—The local area of Chittoor Telephone Exchange System shall cover an area falling within 5 kms radial distance from Telephone Exchange provided that this limit shall be restricted to the boundary of Cochin Municipal Corporation boundary in the South and South-East. Edapally canal in the North-East. Varapuzha river covering Cheroor and Cheriyaamthuruth in the North and Western boundary of Pizhala and Moolampilly Islands in the West.

[F. No. 3-3/85-PHB]

K. K. SAPRA, Director, Phones (E)

बम नवम

नई दिल्ली, 12 अक्टूबर, 1997

का०आ० 2904—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ बीकानेर एण्ड जयपुर, वानपुर के प्रबन्धतन्त्र के सम्बन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, वानपुर के पंचपट को प्रभावित करती है, जो केन्द्रीय सरकार को 13-10-97 को प्राप्त हुआ था।

[संख्या एल-12012/30/86—डी II ए  
संख्या एल-12012/69/36—डी II ए,  
संख्या एल-12012/70/87—डी II ए,  
संख्या एल-12012/79/35—डी II ए,  
संख्या एल-12012/97/86—डी II ए,  
संख्या एल-12012/132/36—डी II ए,  
संख्या एल-12012/300/38—डी II ए]

पी० जे० माहकल, हेल्थ अधिकारी

MINISTRY OF LABOUR

New Delhi, the 12th October, 1997

S.O. 2904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown

in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur, Kanpur and their workman which was received by the Central Government on 13-10-1997.

[No. L-12012/30/86-D II A]  
[No. L-12012/69/86-D II A]  
[No. L-12012/70/87-D II A]  
[No. L-12012/79/85-D II A]  
[No. L-12012/197/86-D II A]  
[No. L-12012/132/86-D II A]  
[No. L-12012/300/88-IR (B-I)]  
[No. L-12012/304/88(B-II)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUS-  
TRIAL TRIBUNAL-CUM-LABOUR COURT  
PANDU NAGAR, KANPUR

Industrial Disputes Nos. 124 of 1986, 129 of 1986,  
1/87, 11/87, 14/87, 93/89, 269/90 and 33/91

In the matter of dispute ;

BETWEEN :

Shri V. N. Sekhari Auth. Rep  
26/104 Birhana Road, Kanpur. (I.D. No. 123/86)

AND

Branch Manager, State Bank of Bikaner &  
Jaipur, Birhana Road, Kanpur.

Secretary, U.P. Bank Employees Union  
36/1 Kailash Mandir, Kanpur (I.D. 129/86)

AND

Manager, State Bank of Bikaner & Jaipur,  
Ratan Lal Nagar, Kanpur

Secretary U. P. Bank Employees Union,  
36/1 Kailash Mandir, Kanpur.

(I.D. No. 1/87)

AND

Manager, State Bank of Bikaner & Jaipur,  
Birhana Road, Kanpur.

Rajendra Kumar Singh C/o V. N. Sekhari  
26/104 Birhana Road, Kanpur.

(I. D. No. 11/87)

AND

General Manager, State Bank of Bikaner &  
Jaipur,  
Industrial Relation Tilak Marg,  
Jaipur.

Secretary U. P. Bank Employees Union  
36/1 Kailash Mandir, Kanpur.

(I. D. 14/87)

AND

State Bank of Bikaner & Jaipur,  
Birhana Road, Kanpur.

Sushil Kumar Singhal & others

C/o. V. N. Sekhari 26/104 Birhana Road,  
Kanpur (I. D. No. 98/89)

AND

Manager, State Bank of Bikaner & Jaipur,  
Head Officer, Jaipur.

Sandeep Kumar Sharma  
Babikana Mujaffarnagar

(I. D. No. 269/90)

AND

State Bank of Bikaner & Jaipur  
Jaipur

Ashok Kumar S/o Sri Mahipal Singh  
130-C New Mandir, Mujaffarnagar.

(I. D. 33 of 1991)

AND

Manager, State Bank of Bikaner & Jaipur  
New Mandir, Mujaffarnagar U.P.

AWARD

1. Central Government, Ministry of Labour, New  
Delhi, vide its notification numbers, mentioned below  
has referred the disputes for adjudication to this Tri-  
bunal—

Notification No. L-12012/79/85-D-II-A dated  
12-11-1986.

"Whether the action of the State Bank of Bika-  
ner & Jaipur, Birhana Road, Kanpur, in ter-  
minating the services of the workmen men-  
tioned in the annexure w.e.f. date mention-  
ed against them and not considering them  
for further employment u/s 25H of the I.D.  
Act is justified ? If not to what relief are  
the concerned workmen entitled ?"

1. Anurag Sharma—7-10-82, 2. Kali Prasad—  
21-5-1984, 3. Dinesh Kumar—14-4-83,  
4. Chhotey Lal—28-1-1981, 5. Bhawani  
Bux Singh—16-7-84, 6. Rajendra Kumar  
Gupta—22-1-83, 7. Km. Jaswant Chhabra  
26-6-1983, 8. Shashi Kant 6-5-1983,

9. Mahesh Kumar—2-2-1980, 10. Mithlesh Kumar—13-10-82, 11. Rajendra Lal Srivastava—1-7-1976, 12. Anand Swarup Dubey—10-11-80, 13. Deep Kumar—23-7-80, 14. Virendra Kumar Sharma—3-12-80, 15. Ranjit Kumar Gupta, 24-5-84, 16. Anil Dhawan—13-10-1982, 17. Yogendra Pd.—20-1-1982, 18. Santosh Kumar—12-6-85, 19. Shanker Mazoomdar—10-8-83, 20. Pradheep Kumar Tiwari, 10-12-1983, 21. Mahesh Kumar Srivastava—27-7-1981, 22. Brijesh Kumar Srivastava—27-12-1981, 23. Kamal Singh—10-2-1982 and 24. Gopalji Tripathi—15-10-1981.

Notification no. L-12012/80/30/86-D.II-A dated 20-11-86 :

“Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of S/Sri Sanjai Kumar Gupta, sub-staff, Shyam Kumar Bajpai sub staff, Arun Kumar Bajpai clerk, and Smt. Shashi Prabhha Shukla clerk and not considering each of them for further employment u/s 25H of I.D. Act while recruiting fresh hands is justified ? If not to what relief are the concerned workmen are entitled ?”

Notification no. L-12012/69/86/D. II-A dated 30-12-81.

“Whether the action of the management State Bank of Bikaner & Jaipur, Kanpur in terminating the services of S/Sri S. P. Shukla, S. K. Dixit, Rajendra Kumar and Govind Lal Bhatia w.e.f. 15-4-1984, 2-3-1985, 25-5-1984 and 7-9-1980 respectively and not considering them for further employment while recruiting fresh hands u/s. 25H of I.D. Act is justified ? If not, to what relief the workmen concerned are entitled?”

Notification no. L-12012/197/86-D.II-A dated 17-1-1987.

“Whether the action of the management of State Bank of Bikaner & Jaipur over termination of services of Sri Rajendra Kumar Singh w.e.f. 11-7-1984 and not considering him for further employment while recruiting fresh hands under sec. 25H of I.D. Act is justified ? If not, to what relief the concerned workman is entitled ?”

Notification no. L-12012/132/86/D. II(A) dated 19-1-1987

“Whether the action of the management of State Bank of Bikaner & Jaipur, Birhana Road, Kanpur, in terminating the services of Sri D. N. Kapoor clerk w.e.f. 20-8-1982, and not considering him for further employment while recruiting fresh hands under sec. 25H of I.D. Act is justified ? If not to what relief the workman concerned is entitled to?”

Notification no. L-12012/701/87/D.II(A)/D. III-A dt. 10-4-1989.

“Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of workman, mentioned in the Madhya Pradesh High Court at Gwalior Bench-Writ Petition no. M.P. 10/88 and 578/88 as indicated in the annexure and not considering them for further employment while recruiting fresh hands under section 25H of I.D. Act is justified ? If not to what relief are the workmen concerned entitled to ?”

Notification no. L-12012/300/88-I.R. B-III dt. 22-11-1990.

“Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of Sri Pradeep Kumar Sharma son of Sunder Lal Sharma, Ex-clerk/cashier w.e.f. 9-6-1983 is legal and justified? If not, to what relief is the workman concerned entitled to ?”

Notification No. L-12012/304/88-B-II-A/I. R. B.III 3-4-1991.

“Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of Sri Ashok Kumar Ex Clerk cum cashier w.e.f. 27-2-1983 was justified ? If not to what relief the workman is entitled to ?”

2. The aforesaid references have been consolidated by my learned predecessor vide order dated 24-6-88, recorded in I.D. No. 124 of 1986 which is the leading case. Hence, all the above mentioned references are being disposed of by a common award.

## I. D. No. 124 of 1986.

3. In this reference there are 24 workers whose details of number of working days and designation are as under :—

S. No.	Name of workman	Post	Service from	No. of days
1	2	3	4	5
1.	Anurag Sharma	Clerk	20-7-82 to 7-10-82	80 days
2.	Dinesh Kumar	Peon	25-1-83 to 14-4-83	80 days
3.	Chhotey Lal	Peon	10-11-80 to 28-1-81	80 days
4.	Bhawani Bux Singh	Watchman-cum-Peon	14-3-84 to 16-7-84	80 days
5.	Rajendra Kumar Gupta	Peon	2-11-82 to 22-1-83	80 days
6.	Km. Jaswant Chhabra	Clerk	8-4-83 to 26-6-83	80 days
7.	Shashi Kant	Peon	16-2-81 to 6-5-81	80 days
8.	Mahesh Kumar	Peon	15-11-79 to 2-2-80	80 days
9.	Mithlesh Kumar	Peon	26-7-82 to 13-10-82	80 days
10.	Rajendra Lal Srivastava	Clerk	13-4-76 to 1-7-76	80 days
11.	Anand Swarup Dubey	Peon	23-8-80 to 10-11-80	80 days
12.	Deep Kumar	Peon	5-5-80 to 23-7-80	80 days
13.	Sunder Kumar Sharma	Clerk	5-9-80 to 3-12-80	80 days
14.	Anil Dhavan	Peon	16-7-82 to 13-10-82	80 days
15.	Yogendra Pd.	Peon	2-11-81 to 20-1-82	80 days
16.	Santosh Kumar	Peon	25-3-85 to 12-6-85	80 days
17.	Shanker Mazoomdar	Peon	23-5-83 to 10-8-83	80 days
18.	Pradeep Kumar Tiwari	Peon	22-9-83 to 10-12-83	80 days
19.	Mahesh Kr. Srivastava	Peon	28-5-81 to 22-7-81	80 days
20.	Bijendra Kr. Srivastava	Clerk	9-10-81 to 27-12-81	80 days
21.	Kamal Singh	Peon	23-1-81 to 20-2-82	80 days
22.	Gopal Ji Tripathi	Peon	28-7-81 to 15-10-81	80 days

Out of them only 19 workmen except Kali Prasad, Bhawani Bux Singh, Mithlesh Kumar, Ranjit Kumar Gupta and Yogendra Prasad have filed claim statements. In other words the remaining five workmen are not interested in prosecuting their case, hence they will not be entitled for any relief.

4. The case of the remaining 19 concerned workmen is that they were engaged as temporary employees on regular seats at Birhana Road Branch of the opposite party, at Kanpur. As such when they were removed from services of the bank compliance of provisions of section 26G and 25H of I.D. Act, was necessary. The management had retained juniors to the concerned workmen while dispensing with their respective services. In this way there has been breach of section 25G of I.D. Act.

5. In the second place it is alleged that subsequent to removal of their services new hands were engaged but no opportunity was given to the concerned workmen, hence, there has been breach of section 25H of I.D. Act.

## I.D. No. 129 of 1986

6. In this reference there are four workmen. Out of them Sanjai Gupta and Shyam Kumar Bajpai are members of sub-staff, whereas, Arun Kumar Bajpai and Kumari Shashi Prabha are clerks. Sanjai Kr. Gupta is alleged to have worked at Ratan Lal Nagar

Branch of the opposite party w.e.f. 18-7-1984 upto 5-4-1985 for 80 days, Shyam Kumar Bajpai is alleged to have worked at Birhana Road Branch of the opposite party from 21-2-1982 to 10-4-1982 for 80 days. Arun Kumar Bajpai is alleged to have worked at Kaushalpur Branch Kanpur w.e.f. 9-11-1987 for 80 days whereas Kumari Shashi Prabha is alleged to have worked as clerk at Kaushalpur branch of the opposite party w.e.f. 16-6-1981 to 28-8-1981. The other part of the pleading is identical to the leading case.

## I.D. No. 1 of 1987

7. In this reference there are four workmen, namely, S. P. Shukla, S. K. Dixit, Rajendra Kumar and Govind Lal Bhatia. In the claim statement the designation of these workmen has not been given. Only it has been alleged that they have worked from 19-6-1980 to 6-9-1980 for 80 days. The rest of the pleadings are identical to that of leading case.

## I.D. No. 11 of 1987

9. There is only one workmen in this reference, namely, Rajendra Kumar Singh. He is alleged to have worked for 80 days from 23-4-1984 to 10-7-1984. Any how the place of appointment and the post at which the concerned workman had worked has not been given. The rest of the pleadings are the same as that of leading case.

## I.D. No. 14 of 1987

10. In this reference there is only one workman namely D. N. Kapoor, who is alleged to have worked as clerk from 1-6-1982 to 19-8-1982 at Birhana Road, Kanpur for 80 days. The rest of the pleadings are identical to that of leading case.

## I.D. No. 93 of 1989

11. There are six workmen, namely, Shyam Sunder, Ram Chamoli, Adesh Kumar, S. K. Singhal, Veer Sen Jain and Anil Kumar. The case of Shyam Sunder is that he had worked from 6-4-1978 to 24-6-1978 at Mujaffarnagar Branch of the opposite party as peon. The case of Veer Singh is that he had worked as clerk w.e.f. 14-4-1981 to 2-7-1981 in Mujaffarnagar Branch of the opposite party bank. Ram Chamoli is alleged to have worked as clerk from 9-6-1983 to 27-8-1983 at Mujaffarnagar Branch of the opposite party. The case of Anil Kumar is that he had worked as clerk from 30-12-1982 to 19-3-1983 at Mujaffarnagar, Branch of the opposite party. S. K. Singhal the concerned workman is alleged to have worked as clerk w.e.f. 16-6-1981 to 19-9-1981 at Mujaffarnagar Branch of the opposite party. The case of Adesh Kumar is that he had worked as clerk in the opposite party bank at Mujaffarnagar Branch of the opposite party w.e.f. 9-6-1983 to 27-8-1983. The rest of the pleadings are identical to that of leading case.

## I.D. No. 269 of 1990

12. There is only one workman in this case, namely, Pradip Kumar Sharma. He is alleged to have worked as clerk w.e.f. 21-3-1983 to 8-6-1983 at Mujaffarnagar Branch of the opposite party. The rest of the pleadings are identical to that of the leading case.

## I.D. No. 33 of 1991

13. There is only one workman namely Ashok Kumar. He is alleged to have worked as clerk-cum-cashier w.e.f. 9-12-1982 to 26-2-1983 at Mujaffarnagar Branch of the opposite party State Bank of Bikaner & Jaipur. The rest of the pleadings are identical to that of leading case.

14. Although in all the above mentioned references the opposite party has filed separate written statement but the allegations are identical. It will be mentioned in the leading case which will be common reply in all the reference.

15. In the first place it is alleged that since they had not completed more than 240 days their case does not come within the purview of retrenchment. As such they cannot get benefit of section 25G and 25H of I.D. Act. Further, there is Banking Service Recruitment Board for recruitment of clerks and other staff members covering the concerned workmen, they cannot be taken into service without clearing in the examination held by such board. Further, it is alleged that these appointments were made for fixed

term as such they have got no right whatsoever because of section 2(oo)(bb) of I.D. Act. It is note worthy that the opposite party bank has not denied that they had worked for 80 days.

16. In the rejoinder nothing new has been alleged.

17. In each of the cases the concerned workmen had filed the orders of their appointment. Further, Kumari Shashi Prabha Devi has filed Ext. W-1 to W-3 in the leading case, the copy of appointment letters. Apart from this Rajendra Kumar, S. K. Srivastava, Mithlesh Kumar and Kumari Shashi Prabha had also examined themselves.

18. The management has not adduced any oral evidence to prove their documents. It may also be mentioned that in the leading case the workmen had also filed certain certified copies of awards of various Tribunals to prove that benefit of provisions of section 25G & H of I.D. Act were available to the concerned workmen.

19. Thus from the above pleadings of the parties and documentary evidence it becomes common ground that all the concerned workmen were engaged for fixed term varying from 80 days to 89 days at different branches of the opposite party State Bank of Bikaner & Jaipur. Hence, there is no need to make reference of any evidence in this regard.

20. The first objection of the management is that since the appointment were for fixed period, in view of provisions of section 2(oo)(bb) of I.D. Act, this termination would not amount to retrenchment, hence provisions of section 25G & H of I.D. Act as well will not apply to the facts of present case. I do not agree with this contention. The above mentioned provisions only deal with a case of retrenchment as envisaged by section 25F of I.D. Act. In other words only workman who challenge the order of termination on the ground of breach of section 25F would be prevented from doing so if the case of such workman is covered by this provision. Surely none of the workmen have impugned their respective termination on the ground of breach of provisions of section 25F of I.D. Act. Hence, the claim of concerned workmen cannot be negated on this point.

21. Apart from this in the case of Central Bank of India versus S. Sathaya, 1996, Lab IC 2248(SC), in which it has been held that provisions of section 25G and H of I.D. Act are independent of section 25F of I.D. Act. Hence, it will be seen if there has been breach of section 25G and H of I.D. Act.

22. As far as breach of section 25G of I.D. Act is concerned, the concerned workmen has not given the names of junior persons who were retained in service when they were removed from service. Because they had worked in their respective branches they are supposed to know the names of such persons. Still if they have not given their names in the claim statement and in the oral evidence, I have no hesitation in holding that none of the junior to the concerned workmen were retained in service, hence question of breach of section 25G of I.D. Act, does not arise.

23. Lastly, the claim regarding breach of section 25H of I.D. Act may be considered. Workmen Rajendra Kumar, S. K. Srivastava, Mithlesh Kumar, Mohan Kumar and Shashi Prabha have stated on oath that new hands were engaged after their cessation of work. Obviously as they were not actually working in the bank they could not know the name of such new entrants. Hence, it will be idle to say that because of concerned workmen should not be believed because of non mentioning of names of new hands who have been engaged. Further, the management ought to have adduced oral evidence in rebuttal denying this fact. In its absence, I have no hesitation in accepting the oral evidence of the concerned workmen and hold that new hands were engaged after cessation of work by the management and the concerned workmen were not afforded any opportunity, hence, I come to the conclusion that provisions of Sec. 25H of I.D. Act has been breached and as such their termination is bad in law in this score.

24. Accordingly my award is that the removal from service of all the concerned workmen except Kali Prasad, Bhawani Bux Singh, Mithlesh Kumar, Ranjit Kumar Gupta and Yogendra Prasad is bad in law being in breach of provisions of Sec. 25H of I.D. Act. Consequently my award is that they will be entitled for reinstatement without any back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 1997

कांआ० 2905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कानपुर क्षेत्रीय ग्रामीण बैंक, कानपुर के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-97 को प्राप्त हुआ था।

[संख्या एल-12012/155/92-आई आर (बी 3)]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 12th October, 1997

S.O. 2905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kanpur Kshetriya Gramin Bank, Kanpur and their workman, which was received by the Central Government on the 13-10-97.

[No. L-12012/155/92-IR (B-3)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT DEOKI PALACE ROAD,  
PANDU NAGAR, KANPUR

Industrial Dispute No. 11 of 1993

In the matter of dispute between :

General Secretary,  
Kanpur Kshetriya Gramin Bank Employees Union.

C/o K. N. Soni,  
118/78, Kaushalpur,  
Kanpur

AND

Chairman,  
Kanpur Kshetriya Gramin Bank,  
Head Office 77/24, Sarvodya Nagar,  
Kanpur

Appearance :

Km. Meenu Soni for the Workman.

Shri V. K. Gupta for the Management.

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-12012/155/92-I.R. (B-3) dated 18-1-93 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kanpur Kshetriya Gramin Bank in terminating the services of Shri Krishna Murari Shukla w.e.f. 16th December 1989, is justified? If not to what relief the workman is entitled to and from what date?

2. The case of the concerned workman Krishna Murari Shukla is that he was engaged as a messenger Daily Wages Cum Sweeper of the opposite party Kanpur Kshetriya Gramin Bank at a regular post. He continuously worked upto 15-12-89. There after his services were brought to an end in breach of Section 25F, G, and H I.D. Act. Hence his termination is bad in law.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was engaged on 18-12-84 for supply of water as a daily rated part-time casual worker and that too was fixed period. Thereafter he left the job of his own w.e.f. 17-3-85. Thereafter he did not work.

4. In the rejoinder it has been denied that the concerned workman was engaged for specific period.

5. There is evidence of concerned workman Krishna Murari Shukla WW(1) in which he has supported the entire version of the claim statement. Satya Prakash MW(1) has stated that the concerned workman was a part time worker and he did not work after 16-3-85 at all. There is Ext. W-1 engagement letter which show that concerned workman engaged as a part-time worker for 90 days w.e.f. 17-12-84. Thus his tenure lasted upto 16-3-85. There is no other engagement order. Hence on this point alone I come to the conclusion that the engagement of concerned workman was for the fixed period. Hence his case is fully covered by the provision of Section 2(oo) I.D. Act. As such question of breach of provision 25F, G and H does not arise. Accordingly my award is that the termination of the concerned workman is not bad and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1997

कांआ० 2906.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड इन्डस्ट्रियल बैंक लिमिटेड, कलकत्ता के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-97 को प्राप्त हुआ था।

[संख्या एल-12011/16/88-डी 2 बी]

पी० जे० माईकल, डेस्क अधिकारी



New Delhi, the 13th October, 1997

S.O. 2906.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of United Industrial Bank Ltd., Calcutta and their workman, which was received by the Central Government on the 13-10-97.

[No. L-12011/10/88-D-2B]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, DEOKI

PALACE ROAD, KANPUR  
Industrial Dispute No. 9 of 1989

In the matter of dispute :

Harmangal Prasad,

BETWEEN

State Vice President,  
U. P. Bank Employees Union,  
36/1, Kailash Mandir,  
Kanpur.

AND

Assistant General Manager,  
United Industrial Bank Limited,  
Park Centre 24, Park Street,  
Calcutta.

APPEARANCE :

Sri M. K. Verma, for the Management & Sri B. P. Saxena for the Union.

#### AWARD

1. Following facts are undisputed—The concerned workman Vishnu Kumar Dubey was appointed as Head Cashier by the Erstwhile United Industrial Bank Limited since amalgamated with the opposite party Allahabad Bank on 6-11-80. He was made permanent on 14-5-81. He was posted at Bokaro Steel City Branch. Earlier he was transferred vide order dated 29-5-82 from Bokaro, to Kanpur and R. K. Singh was deputed to relieve the concerned workman. Any how this transfer order did not materialised. As the parents of the concerned workman were ill he made an application on 12-8-83 for his transfer to Kanpur and showed his willingness, even to forgo special allowance. He was transferred by order dated 6-2-84 from Bokaro to Kanpur as cash clerk and a special allowance was denied to him. He took charge at Kanpur on 14-1-84. After working for 3 or 4 years he has raised the instant industrial dispute.

2. It has been alleged in the claim statement that as special allowance was part of condition of his services he could not be deprived of this allowance. It is further alleged that there is bank's circular dated 16-8-86 according to which after passage of two years from the date of transfer on the basis of request such employee becomes entitled for all facilities including special allowance at the new place of posting. Thus because of these two facts the denial of special allowance by order dt. 12-2-84 by opposite party bank is bad in law.

3. The opposite party has filed reply in which it has been alleged that as the concerned workman himself and volunteered to forgo special allowance and on this plea alone he was transferred to Kanpur. Now he cannot challenge the order of the bank by which special allowance has been denied. Further when transfer was made there was no vacancy at Kanpur carrying special allowance.

4. In the rejoinder nothing new has been said.

5. In the claim statement it has been alleged that subsequent to his transfer vacancies occurred at Kanpur carrying special allowance but he was not considered in terms of bank's letter dated 16-8-96. The copy of such letter has not been filed from which any such policy could be inferred. In the second place is not covered by the reference. The reference is only regarding denial of head cashier's allowance w.e.f. 12-2-84. Hence it is beyond the scope of reference. Thus this point is not being considered.

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6. The copy of letter dated 12-2-84, is on record by virtue of which the concerned workman took charge on 14-2-84 at Kanpur. There is also copy of letter dt. 12-8-83 by which the concerned workman had offered to forgo special allowance in case he is transferred to Kanpur. In my opinion, the concerned workman having made such offer is now estopped from challenging the order of the bank by which he has been transferred to Kanpur and special allowance has been denied. It was submitted by the authorised representative of the concerned workman that an award staff cannot be denied in the garb of transfer so as to take the work from him that of peon. This submission is devoid of force and does not stand as analogy. The concerned workman has not been transferred as peon. Instead he has been transferred to such post which did not carry special allowance which is certainly not a post of peon. Further if the concerned workman did not feel satisfied he ought not to have joined at Kanpur at all and would have better stayed at the Bokaro and thereby would have enjoyed benefit of special allowance.

7. Thus in view of above discussion my conclusion is that denial of special allowance by opposite party bank by order dated 12-2-84 is not bad in law. Consequently my award is that concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1997

कांआ० 2907.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भागीरथी ग्रामीण बैंक, सीतापुर के प्रबन्धतन्त्र के सम्बन्ध में निदेशित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-10-97 को प्राप्त हुआ था।

[संख्या एन-12012/163/92-आई आर बी 3]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 13th October, 1997

S.O. 2907.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhagirathi Gramin Bank, Sitapur and their workman, which was received by the Central Government on the 13-10-1997.

[No. L-12012/163/92-IR B.3]

P. J. MICHAEL, Desk Officer.

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR DEOKI  
PALACE ROAD, KANPUR

Industrial Dispute No. 136 of 1992.

In the matter of dispute :

BETWEEN

Sri B P Saxena  
Member Central Committee  
U.P. Bank Employees Union  
127/191W I Saket Nagar  
Kanpur.

And

Chairman  
Bhagirathi Gramin Bank  
Civil Lines Sitapur.

APPEARANCE :

B. P. Saxena for the workman and V. K. Gupta—for the Management.

## AWARD

1. Central Government, Ministry of Labour, New Delhi. vide its notification no. L-12012/163/92-I.R. B-3 dated 30-11-91, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Bhagirathi Gramin Bank Sitapur, in withholding one annual increment with cumulative effect and treating the period of absence from duty as period not spent on duty in relation to Smt. Sikander Jahan Siddiqui was justified? If not, to what relief she is entitled to?

2. Although this case was reserved for finding on preliminary issue regarding fairness and propriety of domestic enquiry, final award is being given as ultimately domestic enquiry is going to be held as fair and proper and punishment is less than dismissal or removal from service. Further this Tribunal cannot go into the proportionality of punishment in such a case in exercise of powers under section 11-A of Industrial Disputes Act, 1947.

3. The concerned work-lady was working as junior clerk cum cashier at Sitapur Branch of the opposite party Bhagirathi Gramin Bank. She was served with a chargesheet on 4-2-89 which runs as under—

Smt. Sikander Jahana Siddiqui has absented herself from duty from 30-5-88 onwards till date without any valid application for leave and without sanction thereof.

4. It may be mentioned that this chargesheet was issued by B P Saxena, as Chairman and Disciplinary Authority. Now he had no compunction to appear on behalf of the concerned worklady Smt. Sikandar Jahan Siddique and challenge chargesheet issued by himself. Rather it was unethical on his part to appear on side to the concerned worklady when he was fully aware with the inside facts of the case on behalf of the management bank.

5. Any way one B N Singh, officer of the bank was appointed enquiry officer. After completing enquiry he submitted his report on 22-4-91 holding that charge of absence from duty without leave application was fully proved. After issuing usual show cause notice, the concerned worklady had been awarded punishment by way of withholding of one annual increment with cumulative effect and treating the period of absence of duty, as period not spent on duty. Feeling aggrieved she has raised the instant industrial dispute.

6. In the claim statement it was alleged that charge sheet was issued due to malice. Once Chairman of the bank had visited the branch on 4-5-88, the concerned worklady could not give due respect to him as she did not recognise him. This had caused annoyance to Chairman and she was transferred to Head Office. As she was undisposed of and no heed was paid to her request for cancellation of transfer. She had filed a writ petition before Hon'ble High Court at Lucknow Bench. In the mean time chargesheet was also issued to her. Some negotiations took place and ultimately an understanding was arrived at that the concerned worklady would withdraw her writ petition and the management would drop disciplinary proceedings by condoning misconduct. In terms of this understanding the concerned worklady withdrew her writ petition but the management continued with the disciplinary proceedings. Thus in view of understanding misconduct stood condoned. This consequential enquiry was null and void. Accordingly punishment is also bad in law. The concerned worklady was also prevented from filing of appeal as she does not know the designation of the appellate authority.

7. In the written statement it has been denied that any understanding was arrived as a consequence of which the management was to drop the disciplinary proceedings by condoning the misconduct. It is further alleged that enquiry was fairly and properly held.

8. In the rejoinder nothing new has been alleged.

9. Thus the only point which falls for determination is as to whether there was any understanding between the concerned worklady and the management to the effect that concerned worklady would withdraw the writ petition and the management would drop the disciplinary proceedings,

10. To me this plea appears to be after thought. This understanding is alleged to have been arrived during the pendency of disciplinary proceedings. If there was any such understanding it ought to have been brought to the notice of the enquiry officer by way of an application and requesting the disciplinary authority to drop the proceedings. In any case when the turn for the concerned worklady to give evidence in defence during the course of enquiry, come atleast she could have done so. Further when a show cause notice was given by the disciplinary authority regarding proposed punishment even then no mention of this understanding was given. This plea has been set up for the first time in the claim statement. In this background I am convinced that this plea is after thought and is devoid of any force for want of any proof, as well. No other plea has been set up for challenging the domestic enquiry. Otherwise too having gone through the enquiry report and proceedings of the case I do not find any infirmity in it.

11. Consequently my finding is that enquiry was fairly and properly held.

12. As the punishment is less than dismissal or removal from service, the proportionality of punishment cannot be looked into by this Tribunal. Hence my award is that punishment awarded to the concerned worklady is just and proper and she is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 14 अक्टूबर, 1997

का० आ० 2908.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ ट्रैवन्कोर, कोझिकोट के प्रबन्धन में सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में लेबर कोर्ट, कोझिकोट, केरल के पंचपट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 14-10-97 को प्राप्त हुआ था।

[संख्या एल-12012/49/94-आई० आर० (बी I)]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 14th October, 1997

S.O. 2908.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kozhikode, Kerala as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Travancore. Calicut and their workman, which was received by the Central Government on the 14-10-97.

[No. L-12012/49/94-IR B.I.]

P. J. MICHAEL, Desk Officer

## ANNEXURE

IN THE LABOUR COURT, KOZHIKODE,  
KERALA STATE

Dated this the 22nd day of July, 1997

## PRESENT :

SHRI P. Q. BARKATH ALI, B.Sc., LL.B.,  
PRESIDING OFFICER

I. D. (C) 5/95

## BETWEEN :

The Zonal Manager,  
State Bank of Travancore,  
Zonal Office,  
Calicut. ... Management

## AND

The General Secretary,  
State Bank of Travancore Staff Union,  
Central Office, P. B. No. 5601,  
Trivandrum. ... Union

## REPRESENTATION :

Sri T.V. Velayudhan, Dy. Manager,  
State Bank of Travancore,  
Zonal Office, Calicut. ... For ManagementSri P. V. Jose, General Secretary,  
of the Union. ... For Union

## AWARD

This is an industrial dispute between the management of M/s. State Bank of Travancore and its workman Sri V. Muraleedharan, represented by the General Secretary, State Bank of Travancore Staff Union regarding the justifiability of the action of the management in imposing punishment of stoppage of one increment for one year to the workman and placing him under suspension for six months, which is referred for adjudication to this court by the Government of India, Ministry of Labour by Order No. L-12012/49/94-IR BI dated June 30, 1995.

2. The union in the claim statement contended thus :—The workman was employed as Cashier-incharge of Chulliyod Branch of the Bank from December 28, 1987 onwards. On October 16, 1990 he was placed under suspension alleging that on October 13, 1990 he behaved disorderly and indecently towards the then Branch Manager. About 3

months later the management served the workman with a memo dated January 2, 1991. Without considering the explanation submitted by the workman the management ordered a domestic enquiry. The charges levelled against the worker were that he violated clause 19.5(c) and 19.7(j) of first Bipartite Settlement of -966 by his disorderly behaviour and by failing to show proper consideration courtesy or attention towards Officers, Customers etc. The Enquiry Officer found that the management has failed to prove the first charge but found him guilty of the second charge. But the Disciplinary Authority found him guilty of both the charges and imposed a punishment of stoppage of one increment for a period of one year and to treat the period of suspension as such by the order dated June 15, 1992. On appeal to the Assistant General Manager (Zonal Manager), Calicut Zonal Office of the Bank, the period of suspension was reduced to 6 months. The finding of the Enquiry Officer regarding the second charge and the finding of the Disciplinary Authority regarding the first charge and also of the Appellate Authority were not based on legally acceptable evidence and are perverse. Therefore the suspension of the workman was totally uncalled for and without any valid ground. Hence the management may be directed to restore the increment withheld and treat the entire period of the suspension as on duty.

3. The management in its statement contended thus:—The workman by working as Cashier-incharge at Chulliyod Branch on October 30, 1990, misbehaved and assaulted the Branch Manager Sri M. S. Prabhakaran. On a preliminary investigation by Sri C. P. Unnikrishnan, the then Branch Manager of Sultan Battery, it was found that there was a prima-facie case against the workman. On the basis of a report by Sri C. P. Unnikrishnan dated October 15, 1990, the disciplinary authority placed him under suspension by order dated October 16, 1990. As the explanation submitted by workman to the memo of charges dated January 2, 1991 was found not satisfactory, a domestic enquiry was ordered. Sri K. Venugoplan Nair, the then Branch Manager of Kalpetta Branch conducted the domestic enquiry. Nine witnesses were examined on the side of the management and five exhibits were marked. The workman examined two witnesses including himself. The Enquiry Officer found that the charge No. 1

levelled against the worker was not true, but found the workman guilty of the 2nd charge. The disciplinary authority accepted the finding of the Enquiry Officer regarding the 2nd charge but disagreed with the finding of the domestic Enquiry Officer regarding the first charge and found the workman guilty of both the charges. After hearing the workman, the disciplinary authority imposed the punishment of stoppage of increment for a period of one year and to treat the period of suspension as such by order dated June 15, 1992. The appeal to the Assistant General Manager was also dismissed, but the period of suspension was reduced to 6 months. Taking into account the grave misconduct committed by the workman the disciplinary authority imposed only a lesser punishment. Therefore an award may be passed rejecting the claim of the workman.

4. Union filed a rejoinder denying the allegations in the statement of the management.

5. On the pleadings of the parties the following points are raised:—

- (1) Whether the enquiry conducted against the worker is valid and proper?
- (2) Whether the finding of the disciplinary authority regarding the first charge is perverse?
- (3) Whether the finding of the Enquiry Officer regarding the second charge is perverse or based on legally acceptable evidence?
- (4) Whether the management has proved charge No. 2 levelled against the worker by adducing acceptable evidence;
- (5) Whether the action of the management in imposing the punishment of withholding one increment for one year and placing the workman under suspension for six months is justified?

6. Ext. M1 to M5 were marked for the management and no evidence was adduced by the union.

7. Point Nos. 1 to 3:—The facts in brief are these:—The workman was employed as Cashier-in-charge of Chulliyode Branch of the

management bank from December 26, 1987 onwards. He was placed under suspension on October 16, 1990 alleging that on October 13, 1990 at about 10 A.M. at the premises of the bank he misbehaved and assaulted the Branch Manager Sri M. S. Prabhakaran. As the management found the explanation submitted by the workman to the memo of charges dated January 2, 1991 unsatisfactory a domestic enquiry was ordered. Two charges were levelled against the worker. The first charge was that he misbehaved and assaulted the Branch Manager Sri M. S. Prabhakaran on October 13, 1990 at 10 A.M. at the premises of the bank and that thereby committed the offence of drunkenness or riotous or disorderly or indecent behaviour in the premises of the bank as provided in para 19.5(c) of first Bipartite Settlement of 1966. The second charge was that the workman failed to show proper consideration, courtesy or attention towards the officers, customers or other employees of the bank, thereby violating the provision of para 19.7(j) of first Bipartite Settlement. The Enquiry Officer found charge No. 1 levelled against the worker was not proved, but found the workman guilty of the second charge. The disciplinary authority (Regional Manager, Zonal Office, Kozhigode) differed from the finding of the Enquiry Officer regarding charge No. 1 and found that the worker is guilty of that charge also. On that basis the disciplinary authority imposed the punishment of stoppage of one increment for a period of one year without cumulative effect and to treat the period of suspension as such. On appeal to the Asstt. General Manager (Zonal Manager), Calicut Zonal Office, the period of suspension was reduced to 6 months.

8. I have raised these three points as preliminary points and by my order dated May 31, 1997 found that the domestic enquiry conducted against the worker is proper and valid, but the finding of the disciplinary authority on charge No. 1 and finding of Enquiry Officer on charge No. 2 are perverse and are liable to be set aside.

9. Point No. 4.—As the management has not adduced any evidence to substantiate charge No. 2 I hold that the workman is not guilty of the accusation in charge No. 2.

10. Point No. 5.—The next question to be considered is whether the punishment imposed on the workman is justified. No evidence is

adduced on the side of the management to prove the charges levelled against the workman or to justify their action. Therefore I hold that the punishment of with-holding one increment for one year and placing the workman under suspension is not justified. It follows that the workman is entitled to restoration of increment with-held and to treat the period of his suspension as on duty.

9. In the result, an award is passed holding that the charges levelled against the workman are not proved. Therefore the punishment imposed on the worker is set aside. The management is directed to restore the increment with-held and to treat the entire period of suspension as on duty.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 22nd day of July, 1997.

P. Q. BARKATH ALL, Presiding Officer

#### APPENDIX

Witnesses examined on either side

NIL

Documents marked on the side of the Union:—

NIL

Documents marked on the side of the Management:—

Ext. M1 (a) .. Registers of Proceedings of Domestic Enquiry (Vol. I).

Ext. M1 (b) .. —do— (Vol. II).

Ext. M2 .. Enquiry Reports.

Ext. M3 .. True copy of Preliminary Order of the Disciplinary Authority dated 14-3-1992.

Ext. M4 .. —do— the Final Order of the —do— dated 15-6-1992.

Ext. M5 .. —do— Order of the Appellate Authority dated 30th September, 1992.

नई दिल्ली, 14 अक्टूबर, 1997

को.आ. 2909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ सौराष्ट्र गुजरात के प्रबन्धनत्व के

सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट, अनाकुलम के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-10-97 को प्राप्त हुआ था।

[संख्या एल-12012/163/91-आई. आर. (बी III)]  
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 14th October, 1997

S.O. 2909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Saurashtra, Gujarat and their workman, which was received by the Central Government on 13-10-1997.

[No. L-12012/163/91-JR (B-III)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,  
ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 20th day of May, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer.

Industrial Dispute No. 9 of 1991 (C)

BETWEEN

The General Manager, State Bank of Saurashtra, Head Office, Neelam Bhag Chowk, Bhavnagar-364002, Gujarat.

AND

Smt. Y. Chellamma, IX/689, Pandikudy, Cochin-2, Kerala.

Representations :

Sri A. V. Xaxier, Advocate, Elamkulam, Kochi 20—for Management.

Sri Mathew Zachariah, Advocate, M/s. Cochin Law Chambers, Cochin-18—for Worker.

#### AWARD

The Government of India as per order No. L-12012/163/91-JR (B-III) dated 10-9-91 referred the following industrial dispute for adjudication :

"Whether the action of the management of State Bank of Saurashtra in terminating the services of Smt. Y. Chellamma, Part-time Sweeper w.e.f. September, 1989 is justified? If not, to what relief the said Smt. Y. Chellamma is entitled to?"

2. The case set up by the worker is as follows :

She was employed as Sub-Staff (Sweeper) under the State Bank of Saurashtra. She joined the services in April 1987 as a part time sweeper. She was assigned duties of the sweeper including the cleaning of the branch premises, fetching drinking water, helping in running the staff canteen etc. Whenever peons were on leave she was also given the duties of the peon. She was not given any appointment letter and her service was terminated without any notice in June 1990. For the first six months, she was given a monthly payment of Rs. 50 and for

the remaining period, she was given Rs. 100 per mensem. Payment was made regularly on the first day of every month on vouchers prepared and signed by the worker. She used to do four hours duty per day. The Branch Manager assured enhancement of monthly wages and regularisation of work on full time basis. She belongs to a poor family. She is aged 30 and studied up to second standard and is a widow having three children, dwelling in a rented house, having no dependable relatives. She has registered her name in the employment Exchange. She had completed more than 240 days in a year. The termination of service is violative of Section 25-F of the I. D. Act and it is illegal. She prays for reinstatement with back wages.

3. The management contended as follows :

The allegation of the worker that she joined in April, 1987 as worker in Cochin branch is denied. She was not appointed as a Sub-Staff. She was not appointed nor any application was submitted by her. She was engaged by the bank casually, as and when there was work of cleaning the toilet and Rs. 5 was paid for an hour's work in a day. She was never on the pay roll as a regular employee. She has not signed the attendance register. She was employed as a casual worker as above. She was not engaged for a period of either 180 days in a year or 240 days in a year continuously. Wages were offered to her as and when she completed the work. She insisted the payment at the end of the month and also a lumpsum amount. Her request was allowed. She was engaged for 5 days in December 1986 and the wages was paid in the month of January 1987. Thus the management engaged her till 1988 and the wages was paid till then. In 1989, she was engaged for cleaning the toilet only on 20 occasions from January to August and the wages of Rs. 100 was paid. In 1989 August the bank had appointed a permanent full time worker through an interview as sponsored by the Divisional Employment Exchange, who was assigned to do the duty of cleaning the toilet. The worker was preparing the tea for a short period from 1989 September till April, 1990 in the canteen run by the staff members of the bank. The canteen was discontinued by the staff for want of sufficient members. During the period she was paid a sum of Rs. 90 per mensem by the staff welfare committee. She availed a loan from the bank on 12-2-88 and repaid the same on 17-5-89. She applied for another loan in connection with her vegetable sales and fish business and that the loan was availed on 20-5-89. From this, it is clear that she was not in the regular employee in the bank. Appointments are made by the Nationalised bank through the Banking Service Recruitment Board, Employment Exchange etc. and not otherwise. The management is public sector nationalised banking unit under the direct control and management of the Central Government and its Head Office is located at Gujarat. This court has no jurisdiction to entertain and adjudicate the dispute and therefore the case is not maintainable. It is prayed for answering the reference against her.

4. The worker filed a rejoinder refuting the contentions in the written statement and reiterating the averments in the claim.

5. Evidence in this case consists of the testimony of MW-1 and WW-1 and Exts. M-1 and M-2, W-1 series and W-2.

6. Heard both sides.

7. Points which emerge for consideration are :

(i) Whether the termination of service of the worker is legal and valid ?

(ii) Whether the worker is entitled to get any benefit under industrial law and if so to what extent ?

8. Points 1 and 2—According to the management, the worker was engaged only as a stop gap arrangement, that there was no recruitment policy and that no service records are kept as far as this worker is concerned. WW-1 is the worker. According to her she joined the bank as sweeper in 1986 and that no appointment order was given to her. Nature of job is also deposed her. Ext. W-1 series are the pay slips of the concerned worker. They are four in number and relate to the payment of wages for the month of January, February, March 1987 and that of December 1988 and that of January and August 1989. Ext. W-2 is a receipt to show that the worker was paid lavatory cleaning coolie for the month of December 1986 and 15 days of November 1986. Excepting these documents, no other piece of paper is shown that she worked for the required period of continuous service in the year 1987, 1988 and 1989. It is true that the worker has moved a petition as M.P. 225/94 for direction to the management to produce documents relating to the service file of the worker concerned including details regarding payment of monthly wages. It is true that the management has not produced any documents. According to the management there is no service records kept for the worker. MW-1 is the present manager. He took charge in July 1996. According to him WW-1 was engaged for cleaning of toilet only. She was never recruited in accordance with the recruitment policy of the bank. He would further swear that stop arrangements are made by the branch managers in case of emergency. Such persons will not be the staff of the bank. He would further swear that for these type of stop gap arranged employees no service records are maintained. The version of MW-1 for the non production of the file relating to the worker is acceptable since what is discernible is that the worker was engaged by the bank as a stop gap arrangement. She has produce only the records mentioned above and these records will not show that she has fulfilled the requirements to get retrenchment compensation. MW-1 has deposed that many people are engaged and WW-1 occasionally. There were four permanent sub-staff when WW-1 was engaged. It is unlikely to appoint worker as a peon or sweeper by the Manager concerned. Such appointments are made on the basis of recruitment policy of the bank. It has come out in evidence that while she was working in the canteen run by the staff and was doing the business of the vegetable and for that purpose she availed of loan. On an overall evaluation of the evidence on record there is nothing to show that the present worker had completed the required period of continuous service in a year and that therefore the termination of service is legal. She is not entitled to get any relief under industrial law. Points so found against the worker.

In the result, the reference is answered holding that the action of the management bank in terminating the service of Smt. Chellamma, Part-time sweeper, with effect from 1989 is justifiable and legal and that she is not entitled to get any relief under industrial law.

Ernakulam,

Dated : 20-5-1997.

VARGHESE T. ABRAHAM, Presiding Officer

Appendix

Witness examined on the side of Management :

MW-1—Sri B. Hariprasad,

Witness examined on the

side of Worker :

WW-1—Smt. Y. Chellamma.

Exhibits marked on the side of Management

Ext. M-1—Photo copy of file relating to the recruitment of sub-staff by the management.

Ext. M-2—A voucher for Rs. 75 dated 2-1-87 for payment to worker.

Exhibits marked on the side of Worker.

Ext. W-1 series (a to f)—Copies of vouchers for payment to worker on different dates.

Ext. W-2—Copy of a voucher dated 2-1-87 for Rs 75 paid to the worker.

नई दिल्ली, 16 अक्टूबर, 1997

का.प्र. 2910 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-97 को प्राप्त हुआ था।

[सं. एल-22012/109/95-आई.आर. (सी-2)]

लौलीमाऊ, डैस्क अधिकारी

New Delhi, the 16th October, 1997

S.O. 2910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workman, which was received by the Central Government on 14-10-97.

[No. L-22012/109/95-IR-C-II]

LOWLI MAO, Desk Officer

## ANNEXURE

## BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

## PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I  
Dated, 24th day of September, 1997

Industrial Dispute No: 96 of 1995

## BETWEEN

The Branch Secretary, Godavari Loya Boggu Gani,  
Karnika Sangam (IFTU), Yellandu,  
Dist. Khammam PIN-507 123. ... Petitioner.

## AND

The General Manager (P) S.C. Co. Ltd.,  
Kothagudem Post, Khammam Dist. PIN-507 101.  
... Respondent.

## APPEARANCES :

M/s. G. Vidyasagar, S. Parabhakar Reddy and P.  
Sudheer Rao, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates—  
for the Respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/109/95-IR.C.II dt. 21-11-1995 referred the following dispute to this Tribunal under Section 10(1)(d) & 2A Industrial Disputes Act, 1947 for adjudication :—

"Whether the action of the management in denial to pay daily allowance and settling in allowance to Sh. K. Ravi Kumar, B. Murthyrao, S. Srinavasa Rao, K. Sambasiva Rao, Fitter, J. K. Open Cast Yellandu Area against the existing T. A. Rules of the company is legal and justified? If not to what relief the workmen are entitled to?"

Both parties appeared and filed their respective pleadings.

2. The Secretary of the Union filed claims Statement containing as follows.—The petitioner-Union is having majority of the employees of Singareni Collieries, as members and

it is affiliated to IFTU. The 4 workmen concerned to this dispute are also members of the said union. These 4 workmen applied for Fitter Category IV in the Open Cast and Underground mines as per the notification dt. 4-11-1989. They were provisionally selected for the respective posts and directed to report to General Manager (Personnel) as per Order dt. 21-3-1990. The General Manager (Personnel) directed them to report to the Manager, T.T.C., Manuguru by order dt. 18-4-90. Accordingly they reported for duty. They underwent training from April, 1990 to July, 1990 at TTC Manuguru and job training at O.C. (P) Yellandu from July, 1990 to September, 1990 and again at TTC Manuguru from October, 1990 to December, 1990 and job training at Yellandu O.C. (P) from January, 1991 to March, 1991. They were posted to work at J. K. O.C. (P) Yellandu area as 'D' Grade E. P. Fitters vide Office Orders dt. 15-4-1991, after completion of the above training period. During the course of training these workmen were sent to different places for the job training. Those workmen were not paid H.R.A., T.A. and D.A. and other allowances as per the rules. These workmen are also entitled for settling-in allowance. They were treated as regular employees from the date of their reporting duty as Fitter Category IV (O.C.) as per G. M. (Pers's) letter dt. 23-12-1992. Hence they are entitled to settling-in allowance. They were not paid in spite of representation. The conciliation also failed and so the reference is made. An Award may be passed directing the respondent to pay Dearness Allowance etc.. from April, 1990 to March, 1991, with interest.

3. The General Manager (Personnel) of the Respondent filed counter admitting the appointment of 4 workmen, training and regular appointment. He, however, contended as follows.—The allegations that the petitioner union having majority of the employees as its members and particularly these 4 workmen are the members of the said union, are not correct. The Open Cast Mines came into existence since 1976 and highly sophisticated heavy earth moving machinery like shovels operated through electricity, motor graders, dumpers and bull-dozer etc., are used in Open Cast Mines to excavate over burden and coal. Highly skilled personnel including these 4 workmen are required to operate this heavy earth moving machinery. As such all the employees recruited including the various fitters etc., are given training at technical training Centre, Manuguru before they are posted to work in Open Cast Mines. The pay scales, promotions etc., are also different for underground workmen and open cast workmen. These 4 workmen were provisionally selected for being posted in Open Cast Mines. There were no posts of Category IV Fitters in Open Cast Mines. There were only Excavation Group 'D' Fitters, in the Open Cast Mine. So these workmen were given training at Manuguru. During the training period they were given temporary accommodation. They were given technical/orientation training which increased their technical knowledge and skill and thereby they are getting better wages and better promotion channel. They were given training only and they were not in employment, and no work was extracted from them. So they are not entitled to get H.R.A., T.A. and D.A. during the training period. These workmen were not transferred from one place to another. So they are not entitled for settling-in allowance and T.A. They were paid Category IV Wages even after period of training. The Circular dated 28-12-1992, the General Manager (Personnel) is misconstrued by the union. There are in-service candidates and fresh candidates. The workmen are direct recruits and selected as fresh candidates. Hence they cannot be treated as regular employees. The workmen are not entitled to any relief.

4. The point for consideration is whether the four workmen are entitled to daily allowance and settling-in allowance?

5. Point.—The respondent-Company called for the applications for appointment of Fitters etc., by Ex. W1 publication dt. 4-11-1989 Exs. M1 and M11 are the copies of the said publication. They prescribed the qualification as S.S.C. with ITI Trade Certificate with two years experience as Fitter in the repair and maintenance of Heavy Earth Moving Machinery for being appointed as Fitter Category IV. The evidence of M.W.1 is that the candidates having experience have not appeared for the test. So they selected 40 persons who are qualified, with an intention to give them training though they have no previous experience. 32 Candidates have reported for duty before the concerned in pursuance of the selection. The candidates



were sent to Manuguru for training. The present four workmen are also there among the selected candidates deputed for training by Exs. W2, W3 and M2 proceedings. The training Programme as mentioned in Ex. M7 is as follows:

#### SCHEDULE OF TRAINING FOR XIVTH BATCH

##### (PROVISIONALLY APPOINTED AS FITTERS ON E. P. EQUIPMENT)

(Period of Training—One year)

om	To	
(1) 24-4-90	30-4-90	MVTC Training
(2) 01-5-90	19-7-90	Theory training at TTC
(3) 20-7-90	21-10-90	On the job training at JK OC Yellandu on workshop Machine (On Dumper and Dozer)
(4) 22-10-90	01-01-91	Theory training at TTC/Manuguru
(5) 02-01-91	10-03-91	On the job training at JK OC Yellandu on Field Machinery (Haulers & Drills)
(6) 12-03-91	13-03-91	Test at TTC Manuguru.
(7)	13-3-91	Relieving at TTC to report at Yellandu.
(8) 14-03-91	15-04-91	On the job training till Office order issue.

Sd/-

Training Manager  
Technical Training Centre  
Manuguru.

The period of training is for one year. After completion of training they were posted in the Open Cast Mine at Yellandu as per Ex. W4 (Ex. M3) proceedings dt. 15-4-91. They have been working as such.

6. The petitioner-workman are not examined. The Secretary of the Union is examined as W.W.1. He admits the training programme of the petitioner-workmen. M.W.1 deposed that during the training period the petitioner-workmen were paid as Fitters Category IV (OC) as per Ex. M4 Pay scales fixed by National Coal Wage Board. They were paid Rs. 42,18 Ps. per day plus Dearness Allowance and V.D.A. during the training period. They were also given free accommodation and subsidised food throughout the training period of one year at Manuguru as well as Yellandu. It is admitted by W.W.1. Subsequently the petitioner-workmen and other trainees were paid H.R.A. and transport subsidy also besides crediting E.L. to their account.

7. The present claim of the petitioner-workmen is for daily allowance during on job training period and settling-in-allowance after they were appointed at Yellandu. The contention of the respondent is that the petitioners were only trainees and so they are not entitled to daily allowance or settling-allowance. It is also contended that they were given posting at Yellandu for the first time and it is not a case of transfer. The settling allowance is to be paid only when an employee is transferred. So they are not entitled to settling allowance.

8. The petitioners claim that they are to be treated as regular employees only, even during the training period, due to Clause 1.3 of S.C. Company Ltd. Travelling allowance Rules (Exs. W10 and Ex. M5) and the clarification of the General Manager (Personnel) given in Ex. W5 (Ex. M6) on 28-12-1992. It appears that these 4 petitioner-workmen gave representation on 18-10-1992 to treat them as regular employees from the date of their appointment as Fitters Category IV in Open Cast Mine. Thereupon the General Manager gave Ex. W5 (Ex. M6) clarification that these four petitioner-workmen and 24 others were selected

on 18-3-90 and appointed as Fitters Category IV (OC) and subsequently on completion of one year training, they were appointed as E.P. Fitters and Excavation Category 'D' Fitters in the Open Cast Mine at Yellandu. He also clarified that all these fitters may be treated as regular employees from the date of their reporting for duty as Fitters Category IV (OC). By this clarification, the petitioner-workmen are treated as regular employees during the period of training also. But the respondent contends that this clarification is only given for the purpose of seniority, leave, increments etc., But the said fact is not stated in the said clarification.

9. Clause 1.3 of Travelling Allowance Rules (Ex. W10. copy of which is Ex. M5) reads as follows :—

1.3.—Unless otherwise specified, these rules shall be applicable to all employees of Singareni Collieries Company Limited (both executives and non-executives) including trainees, probationers and apprentices.

These travelling allowance rules apply to the Trainees also besides regular employees. The payment to be made during the training period is referred to in Clause 18 and it reads that "When an employee is sponsored for training by the Company for a period of not more than 120 days, he will be entitled to Travelling and Daily Allowance as below." The contention of the respondent as spoken to by M.W.1 and 2 is that these travelling allowance Rules do not apply to the trainees and also that this allowance is paid when the employees are sent for training to other companies like Coal India Limited, Neveili Lignite Corporation Ltd. etc. and not to the trainees given training in the Institute of the Respondent itself or when they were given on job training. But such clarification is not there in the rules. The rules framed, if any, by the Company with regard to selected trainee and the payment during the training period or Standing Orders of the Company are not filed into Court. So I hold that the petitioner-workmen are entitled to daily allowance permissible under rules for on job training period as claimed by them.

10. Part B of Ex. W10 Travelling Rules. Rule 13.0 deals with Journey on transfer and the relevant Rule 13.3.1 reads as follows :—

"13.3.1.—An employee on transfer from one station to another station will be eligible for the follows :—  
Settling-in-allowance & Transfer grant Transfer Grant.—  
One month's pay Transfer grant will be given if the shifting of residence is more than 32 kms. and no transfer grant will be given if shifting of residence is not involved."

The petitioners claim that after training, they were posted at Yellandu on regular post and so they are entitled to settling-in-allowance as per the above rules. I cannot agree with them, as the petitioner-workmen were given posting for the first time. It is not a transfer. They are not entitled settling-in-allowance when they were not transferred from one station to another station. So this claim is rejected.

11. In the result, an Award is passed holding that the petitioner-workmen are entitled to Dearness Allowance during the on-job training period as per Rules. They are not entitled to Settling Allowance.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 24th day of September, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

#### Appendix of evidence

Witness examined for

Petitioner :

WW-1—P. Krishna Reddy.

Witness examined for

Respondent :

MW-1—P.A.V.V.S. Sarma

MW-2—G. Ilaiiah.



## Documents marked for the Petitioner

- Ex. W-1—Advertisement dt. 4-1-89 calling for the applications (xerox copy).  
 Ex. W-2—Xerox copy of Office Order dt. 18-4-90 (xerox copy) to undergo training by the petitioners.  
 Ex. W-3—Xerox copy of Office order dt. 17-4-90 with regard to 34 candidates were selected for the post of Fitters.  
 Ex. W-4—Xerox copy of Office Order dt. 15-4-91 given to 22 candidates posting to work at the places shown against each.  
 Ex. W-5—Letter dt. 28-12-92 clarified that E.P. Fitters may be treated as regular employees.  
 Ex. W-6—Letter dt. 17-9-93 of the Union to the Director Personnel.  
 Ex. W-7—Application of the Union dt. 17-3-94 filed before ALC(C).  
 Ex. W-8—Minutes of Conciliation held on 7-11-94.  
 Ex. W-9—Views of the petitioners Union dt. 26-11-94 submitted before the ALC(C) Vijayawada.  
 Ex. W-10—Travelling Allowance Rules of the S.C. Co. Ltd. (xerox copy).

## Documents marked for the Respondent

- Ex. M-1—Copy of Ex. W1.  
 Ex. M-2—Copy of Ex. W3.  
 Ex. M-3—Copy of Ex. W4.  
 Ex. M-4—Xerox copy of Wage Board employees Pay Scales.  
 Ex. M-5—Copy of Ex. W-10.  
 Ex. M-6—Copy of Ex. W5.  
 Ex. M-7—Schedule of Training for XIVth Batch (Training Programme).  
 Ex. M-8—Details of Training of Fitters.  
 Ex. M-9—Pay sheet of the training of Fitters for April, 1990.  
 Ex. M-10—Pay sheet of the Training of Fitters for May, 1990.  
 Ex. M-11—Copy of Ex. W1 and M1.  
 Ex. M-12—Copy of Ex. M8.  
 Ex. M-13—Nomenclature and job description of Coal Mines Employees.

नई दिल्ली, 16 अक्टूबर, 1997

क्र.सं. 2911.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० सी० सी० एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-97 को प्राप्त हुआ था।

[सं० एल-22012/237/93-आई०आर० (सी-II)]  
 लौची माऊ, डेस्क अधिकारी

New Delhi, the 16th October, 1997

S.O. 2911.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., 2807 GI/97—9

and their workman, which was received by the Central Government on the 14-10-1997.

[No. L-22012/237/93-IR (C-II)]  
 LOWLI MAO, Desk Officer.

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I,  
AT HYDERABAD.

## PRESENT:

Shri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 10th Day of October, 1995.

INDUSTRIAL DISPUTE NO. 3/1994.

## BETWEEN :

The General Secretary, S.C.M.K. Sangh (EMS),  
 House No. A/D-58, Ramakrishnapur-  
 504 301, Adilabad (AP). ..Petitioner.

## AND

The General Manager, M/s. S. C. Co. Ltd.,  
 Kalyanikhani P. O. Adilabad (A.P.).  
 ..Respondent.

## APPEARANCES :

Shri G. Ravi Mohan Advocate for the Petitioner.

Shri K. Srinivasa Murthy, Advocate for the Respondent.

## AWARD

The Government of India, Ministry of Labour New Delhi by its order No. L-22012/237/93 (C-II) dated 17-12-1993 referred the following dispute under section 10(1)(d) and (2A) of Industrial Dispute Act, 1947 for adjudication :

“Whether the management's action is not paying House rent Allowances to those workers who are residing in single room/Arch type accommodation without separate or common latrine and bathrooms in violation of Clauses No. 8.2.2. of NCWA-II, III and IV is legal and justified ? If not, to what relief the workman are entitled to ?”.

(2) Both the parties appeared and filed their pleadings, on 21-1-1994 and on 13-2-1995 respectively. The petitioner and his Advocate, did not adduce any evidence and also they were not ready for prosecuting the matter from 18-3-1995 to 10-10-1995, though the Respondent was ready. Hence this Tribunal set the petitioner ex parte on 10-10-1995. On that day itself the Respondent submitted that the respondent has no evidence. As the petitioner remained ex parte, there is no triable issue and so the reference is closed on 10-10-1995.

Given under my hand and the seal of this Tribunal, this the 10th day of October, 1995.

A. HANUMANTHU, Industrial Tribunal-I

## NOTE :—

The Petitioner vide I.A. No. 175/95 was filed for restoration of the above I. D. This petitioner i.e. I. A. was dismissed on 2-11-1996 and I. A. No. 235/96 to set-aside the order dated 2-11-1996 passed in I. A. No. 175/95 was filed. The I. A. No. 235/96 was allowed and I. A. No. 175/95 was restored.

In view of non-appearance of the petitioner, the I. A. No. 175/95 was dismissed on 8-8-1997.

Given under my hand and the seal of this Tribunal, this the 8th August, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I Hyd.

नई दिल्ली, 16 अक्टूबर, 1997

कां० अ० 2912.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एम० सी० सी० एल० के प्रबन्धन के संबंध में निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-97 को प्राप्त हुआ था।

[सं० एल-22012/241/94-आई०आर० (सीII-)]

लोली माओ, डेस्क अधिकारी

New Delhi, the 16th October, 1997

S.O. 2912.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 14-10-1997.

[No. L-22012/241/94-IR (C-II)]

LOWLI MAO, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I HYDERABAD  
PRESENT :

Sri V V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 16th day of August, 1997

Industrial Dispute No. 46 of 1995

## BETWEEN

The Vice President, Singareni Coal  
Mines Karmika Sangh (BMS),  
Ramakrishnapur Branch, Distt. Adilabad .. Petitioner

## AND

The General Manager, Singareni Collieries  
Company Ltd., Ramakrishnapur,  
Distt. Adilabad (A.P.) .. Respondent

## APPEARANCES :

Sri K. Vasudeva Reddy, Advocate—for the Petitioner.

M/s. K. Srinivasa Murty and G. Sudha, Advocates—  
for the Respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute under Section 10(1)(d) and 2-A of Industrial Disputes Act, 1947 by its Order No. L-22012(241)/94-IR (C-II) dated 16-2-95, for adjudication :

"Whether the action of the management of SCCL, Ramakrishnapur in not promoting Shri S. Adam Mining Sardar MK 4 Incline Ramakrishnapur to the post of Shot Firer Grade 'D' from 5-5-87 i.e. the date of first authorisation in accordance with the other workman is legal and justified? If not, to what relief the workman is entitled to?"

Both parties appeared before this Tribunal and filed their pleadings.

2. The Vice President of the Union filed a Claims Statement contending as follows :

The workman Mr. S. Adam hereinafter to be called the 'Petitioner' joined the Company on 10-3-1976. He passed Shot Firer Examination on 28-9-1986 and Gas Testing Examination on 17-4-1987. He was authorised to work as Shot Firer Grade 'D' with effect from 5-5-1987. He has been acting as such till his promotion as Grade 'C' Shot Firer w.e.f. 10-12-1988. He worked as Shot Firer in 21 Incline/J.K. 5 Incline at Yellandu, and afterwards he was transferred to RK 7 Incline with effect from 23-9-1988. He was promoted as Shot Firer Grade 'D' with effect from 26-9-1988 but not from the date of his authorisation i.e. 5-5-1987. Similarly situated shot firers namely Bandi Chandra Mouli and E. Rajireddy were promoted from the date of authorisation. Hence the respondent may be directed to promote the petitioner as Shot Firer Grade 'D' with effect from 5-5-1987.

3. The respondent filed a counter contending as follows :

The petitioner joined the Service as General Mazdoor on 10-3-1976. He passed Shot Firer Examination on 28-9-1986 and Gas Testing Examination on 17-4-1987. He was issued Certificates by the Board of Mining Examinations on 11-5-1987 and 17-2-1988 respectively. He was authorised to act as Shot Firer Grade 'D' as and when required initially under Coal Mines Regulations in the vacancies that arose due to the leave, sickness or absence of permanent Shot Firers. He was paid acting allowance during the said period. On production of valid certificates to the Management, he was promoted as Shot Firer Grade 'D' with effect from 26-9-1988. As there was no vacancy of Shot Firer in Yellandu Area of Khammam District, the petitioner sought and obtained transfer to Sreerampur Area of Adilabad District where there are permanent vacancies, and so he was promoted in the permanent vacancy in Adilabad Dist. His services in leave vacancies cannot be considered at all. One Chandra Mouli and Rajireddy were promoted from the date of their production of certificates and not from the date of authorisations. The petitioner was also promoted as Shot Firer Grade 'D' from the date of submission of the statutory certificates. Thus there is no discrimination. They were ex-narte Awards against the Company. They were challenged in the Hon'ble High Court. Hence the petitioner is not entitled to any relief sought by him.

4. The Vice President of the Union is examined as WW-1 and he filed Exs. W-1 to W-5. The petitioner-workman was not examined. The respondent did not adduce any evidence though it was given an opportunity from 11-4-97 to 30-6-97. So an Award is passed on the material available on record.

5. The point for consideration is whether Eri S. Adams petitioner is entitled to be promoted as Shot Firer Grade 'D' from the date of authorisation?

6. Point.—The evidence on record discloses that the General Mazdoors have to pass the Shot Firer Examination and Gas Testing Examination so that they may be promoted.

as Short Firers. It is admitted that the petitioner Mrs. Adam passed the Shot Firer examination on 28-9-1986 and Gas Testing Examination on 17-4-1987. On passing such examination, the Management has to issue authorisation under Coal Mines Regulations, 1957 and Mines Act, 1952. The petitioner was given Ex. W-1 authorisation dated 5-5-1987 to act as Short Firer "as and when required" at Jawaharkhaini No. 5 Incline at Yellandu. He was next given Ex. W-2 authorisation on 20-6-87 to work as Shot Firer in 21 Incline. Ex. W-3 is the authorisation given to him on 6-9-87 to act as Shot Firer again in JK No. 5 Incline "as and when required". Ex. W-4 is the last authorisation dated 23-9-88 by which he was authorised to act as Shot Firer in RK 7 Incline "as and when required".

7. The grievance of the petitioner is that though he has been acting as Shot Firer Grade 'D' with effect from 5-5-1987 he was given promotion as Shot Firer 'D' only with effect from 26-9-1988 and not from 5-5-1987. The respondent's contention is that till 26-9-1988 he was working in leave vacancies now then. So he is not entitled to promotion from 5-5-1987. The authorisations Exs. W-1 to W-4 certainly suggest that the petitioner acted as Short Firer in the leave vacancies only and not in permanent vacancies from 5-5-1987 to 26-9-1988. The petitioner worked in JK No. 5 and 21 Inclines at Yellandu as Shot Firer as per Exs. W-1 to W-3. It is the case of the respondent in the counter that as there are no vacancies of Shot Firer in Yellandu Area of Khammam Dist., and as there are vacancies of Shot Firer in Sreerampur Area of Adilabad District, the petitioner sought for transfer to Ramakrishnapuram and it was allowed. He was transferred to Ramakrishnapur Area. As there was vacancy he was promoted in the permanent vacancy on 26-9-1988. I do not find any 'irregularity' or illegality in the conduct of the respondent. The petitioner has referred the cases of Sri Chandra Mouli and Rajireddy whose claim was allowed by this Tribunal in I. D. No. 23/89. The said Award is not filed into this Tribunal. The respondent contended that the above two persons as well as the petitioner are given promotions from the date of production of certificates.

8. The petitioner filed Ex W-5 Award dated 17-1-1994 of this Tribunal in I. D. No. 88/89, in which this Tribunal directed the respondent to promote the Shot Firers and Mining Sardar from the date of authorisation and to give increments and other benefits. I have gone through the Award. My learned Predecessor relied upon the settlements dated 28-9-1978 and 22-3-90 in giving the relief. The settlements are not filed into this Tribunal. The extract of the relevant portion in the settlement dated 28-9-78 as mentioned in the Award of this Tribunal, reads that the shot firers or Sardars or Overmen who are continuously acting without any interruption for over 4 years shall be confirmed reckoning their service from the date of such continuation acting for the purpose of increments. The said settlement is not filed in this case. This Tribunal can only direct that the settlement should be implemented.

9. In the result an Award is passed directing the respondent to implement the settlements dated 28-9-1978 and 22-3-1990 if they are applicable to the petitioner and if the petitioner satisfies all the conditions mentioned in the Settlements.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 16th day of August, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I  
Appendix of evidence

Witness examined for  
Petitioner :  
WW-1—M. Venkateswarlu.

Witness examined for  
Respondent :  
NIL

Documents marked for the Petitioner

Ex. W-1—Authorisation dated 5-5-87 given to S. Adam.

Ex. W-2—Authorisation dated 20-6-87 given to S. Adam.

Ex. W-3—Authorisation dated 6-9-97 given to S. Adam.

Ex. W-4—Authorisation dated 23-9-88 given to S. Adam.

Ex. W-5—Award dated 17-1-94 in I. D. No. 88/89 including the Notification of Government of India dated 29-9-94.

Documents marked for the Respondent

NIL

नई दिल्ली, 16 अक्टूबर, 1997

कांआ० 2913 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम० सी० सी० एल० के प्रवृत्तता के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-97 को प्राप्त हुआ था।

[(सं० एल०-22012/330/92-आई०आर० (सी-2))]  
लोली माऊ, डेस्क अधिकारी

New Delhi, the 16th October, 1997

S.O. 2913.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on the 14-10-1997.

[No. L-22012/330/92-IR(C. II)]  
LOWLI MAO, Desk Officer

ANNEXURE  
BEFORE THE INDUSTRIAL TRIBUNAL-I, AT  
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B.,  
Industrial Tribunal-I.

Dated, 26th day of August, 1997

Industrial Dispute No. 55-1995

BETWEEN

The Vice President,  
Singareni Miners & Engg. Workers Union  
(HMS),

No. D-2156 Thilaknagar,  
Godavarikhani,  
Karimnagar Dist. A.P.

Petitioner

AND

The General Manager,  
M/s. S.C. Co. Ltd.,  
Ramagundam Area-I,  
Godavarikhani,  
Post Karimnagar Dist. A.P.

Respondent

## APPEARANCES :

Sri K. Vasudava Reddy, Advocate for the Petitioner.

Sri K. Srinivasa Murthy Advocate for the Respondent.

## AWARD

The Government of India Ministry of Labour, New Delhi by its order No. L-22012/330/92-IR (C-II) dated 25-5-95 referred the following dispute under section 10(1)(d) and 2A of Industrial Dispute Act, 1947 for adjudication :

"Whether the action of the management is not absorbing Shri Debbota Pandu and 52 contract labour engaged in erection, operation of transmission lines and maintenance of town ships of SCCL at Godavarikhani region since 1987 which is a perennial nature of work and where some companies employees are also engaged is legal and justified. If not what relief the workmen are entitled to?"

(2) After receipt of the notice issued by this Tribunal, the Respondent appeared. The petitioner union as well as concerned workman did not appear though notice was served upon the petitioner. So this Tribunal set the petitioner union exparte on 24-7-95. The petitioner rushed to this Tribunal and filed an I.A. 128/95 dated 10-10-95 to set-aside the exparte order. The said I.A. was allowed on 10-10-95 itself. The petitioner also filed claim-statement on that day. Subsequently the matter was adjourned from time to time for filing the counter of the Respondent.

(3) On 27-2-96 the Respondent filed counter on payment of cost of Rs. 50 to the petitioner. Subsequently the matter was adjourned from time to time for enquiry. But the petitioner and his Advocate did not adduce any evidence or prosecute the matter though 5 adjournments were granted. Hence the I.D. was closed on 14-8-1996 and the Award was sent to the Government. The Government published the award.

(4) The petitioner filed a petition on 14-2-97 to set-aside the Award dated 14-8-1996. The petition is taken on file and allowed the same on 16-5-97, on payment of Rs. 500 to the Respondent. After re-opening the main matter in I.D. 55/95 the petitioner did not appear and ready for enquiry. Though 7 adjournments were granted to him.

(5) On a perusal of the entire docket sheet except on few occasions the petitioner never appeared before this Court. So it is understood that the petitioner is not interested to prosecute the matter. In these circumstances there is no other alternative except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 26th day of August, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

No oral or documentry evidence is adduced by both the parties.

नई दिल्ली, 16 अक्टूबर, 1997

कांआ० 2914:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० सी० लो० एल० के प्रबन्धन के संबंध में निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में दिवष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-10-97 को प्राप्त हुआ था।

[सं० एन-22012/358/95-आई०आर० (सी-2)]  
लौली माऊ, डेस्क अधिकारी

New Delhi, the 16th October, 1997

S.O. 2914.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 14-10-97.

[No. L-22012/358/95-IR-C.II]  
LOWLI MAO, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I  
AT HYDERABAD

## PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I

Dated, 25th day of September, 1997  
Industrial Dispute No. 21 of 1996

## BETWEEN

S. C. Workers Union, AITUC, CCC Post,  
Pin-504 302 —Petitioner

## AND

The General Manager, M/s. S. C. Co. Ltd.,  
Srirampur, Adilabad District 517 609  
—Respondent

## APPEARANCES :

M/s. N. K. Annapurna Devi and A. Sreedevi,  
Advocates—for the Petitioner.

M/s. K. Srinivasa Murty and G. Sudha, Ad-  
vocates—for Respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/358/95-IR (C-II), dated 13-3-96 referred the following dispute under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication :

“Whether the Trammers, by name Mr. Amma Iyallaiah, Gumma Rajaiah and Kodur Sudhakar Reddy, working in SRP3, 3A are entitled for one special increment & w.e.f. 1-3-95 on par with Mr. L. Linga Rao, Merja Rajaiah & Sivalingu since they are juniors to A. Iyallaiah, G. Rajaiah & K. S. Reddy ? If not, what relief they are entitled to ?”

Both the parties appeared and filed their respective pleadings.

2. The three workmen in this dispute namely A. Ayallaiah, G. Rajaiah and K. Sudhakar Reddy hereinafter called as the ‘petitioners’ filed a claim statement contending as follows : These three petitioners were originally appointed as Coal Fillers in 1976 and they were promoted as Trammers in 1981. The post of Trammer is in Category IV. They were given Category V in 1991 in pursuance of service linked upgradation. They are working now at SRP III of Srirampur Area. S/Sri M. Lingarao, Rajanna and Sivalingu who are juniors to the petitioners and who are in Category IV, are given special increment with effect from 1-3-1995 in Trammers scale. The petitioners, being seniors, are entitled to equal wages of the juniors. The Management contended during the conciliation proceedings, that the said 3 juniors were granted extra increment from 1-3-95 as they were working in the main circuit, involving writing work/record work. The petitioners are also prepared to work in the main circuit, but the petitioners are not posted to work. The action of the Management is not granting special increment on par with their juniors is mostly unjustifiable. The Management offered to settle the dispute before the Conciliation meeting on 17-6-1994. So the Conciliation Officer did not decide the dispute. The other workers who were transferred from one mine to another mine were given the same benefit. They are M. Narayana and Dukki Mallaiah who were transferred from R. K. VII to Idatam Khani of SRP Area. Hence the petitioners are entitled to extra increment.

3. The Respondent filed a counter contending as follows : The Union cannot raise this dispute as no election was conducted for the office bearers of the Union. On the representation of the present union, the respondent offered to settle the dispute before the A.L.C. on 17-6-1994. Later on, the respondent gave extra increment to the juniors of the petitioners. The same union again raised this dispute. But the union has not filed any claim statement in this dispute for the above reason. The workmen themselves filed claim statement and so

they are not entitled to any relief. The mines S.R.P. 3 and 3A are new mines. L. Linga Rao, Merja Rajaiah and Sivalingu have been working as Trammers in the New Mines since 1990. They were posted in Category IV as Trammers in main circuit and hence they were paid extra increment as per the settlement. The petitioners were transferred from R.K.P. 7 Incline to SRP 3 and 3A mines as underground Trammers from 1-9-1991. A Trammer working in the main circuit has to assist Munshes and note down the number of empty tubs sent into mine and filled tubs that came out. So the Trammers are paid extra increments as per the settlement dated 21-11-1986 entered into by the Management with the Union under Section 12(3) of I.D. Act. Accordingly the above persons are paid extra allowance for assisting the Munshes. But the petitioners cannot compare their case with Lingarao and 2 others as Lingarao and 2 others were working since 1-9-90. By then, the petitioners are not working SRP 3 & 3A Incline at all. There is no necessity to disturb the said 3 persons. The petitioners are not entitled to any relief.

4. The point for consideration is whether the petitioners are entitled to extra increment that is being paid to the juniors ?

5. POINT.—One of the 3 petitioner-workmen examined himself as W.W. 1 and filed Exts. W1 to W3. The Sr. Personnel Officer of Srirampur Area is examined as M.W. 1. He filed Exs. M1 to M8.

6. The admitted or proved facts of the case are as follows : The three petitioners are appointed as Coal Fillers between 1976 and 1978. They were promoted as Trammers in 1981 and they were given Category V in 1991 after they worked for 10 years in the same post. These three petitioners and others were transferred from RK 7 Incline to SRP 3 and 3A Inclines at their request on 21-8-91 by Ex. M1 as they thought that they will have better opportunities for promotion in the new mines like in SRP 3 and 3A which were started in 1985. In fact W.W. 1 admitted that when himself and others were working in RK 7 Incline, their juniors were promoted as Munshes and they proceeded on strike. They were given option to have a transfer and at their request, they were transferred to SRP 3 and 3A mines which is a new one to have better promotional avenues.

7. The three workmen by name L. Linga Rao, M. Rajaiah and Sivalingu were appointed as Coal Fillers in 1986 and they were promoted as Trammers on 1-9-1990 in 3 and 3A Mines. They were posted as Trammers at Main Circuit Junction to assist the munshi in preparation of accounts by giving information about the total number of empty tubs sent into the mine and filled up tubs received back. These three workmen have been doing the work at Main Circuit Junction since 1990.

8. The petitioners came on transfer to 3, 3A Mines on 1-9-1991. They were working Deep in the mine which is called as District Incline. It appears that they worked on Surface only from 1991 to 1993 and they were sent into the Mine in 1993 only.

9. There were settlements Exs. M2 and M3 for payment of extra allowance to the Trammers and others who assist the Munshees. Clause 10 of Ex. M3 settlement dated 26-6-84 reads as follows :

"10. Demand No. 15—Muccadams.—It is agreed that cases of such of those Linemen, Timberman and Trammers who were granted extra increment as per Clause 10 of the Memorandum of Settlement dated 28-9-78 who are drawing at present equal to the basic of other workers of the same category/designation will be examined and will be given one increment, as personal as a special case with effect from 1-3-1984.

Similarly the cases of those persons who are performing similar nature of jobs in the new mines and working in place of those who have retired or resigned etc., will also be given one extra increment as personal to them with effect from 1-3-1984.

Clause 7 of Ex. M3 settlement dated 21-11-86 runs as follows :

7. Demand No. 7 : Trammers.—In supersession/modification of all previous agreements, to facilitate proper reporting and to assist the munshi, one Trammer, of each shift working in each additional Main Trammig Circuit Junction a mine reporting to Munshi will be identified and given one extra increment, if not already given."

In pursuance to the above settlement the Chief Personnel Officer, gave Ex. M7 Circular dated 29-11-86 to all the G.Ms. to identify the workmen working in the Main Circuits and give one extra increment; but no action appears to have been taken on it. Singareni Collieries Workers Union gave Ex. W1 representation to the Assistant Labour Commissioner (C) Mancherla for payment of extra allowance to the three petitioners as they were working at main trammig circuit. Thereupon the Assistant Commissioner of Labour, held meeting on 17-6-84. Both the parties agreed that the issue can be settled mutually. Therefore the Assistant Labour Commissioner closed the conciliation by Ex. M8 minutes. Thereupon the Management identified the persons who are working in the Main Circuits. They found that the

petitioners are not working in the main circuits and that Linga Rao, M. Rajaiah and Shivalingu have been working in the Main Circuits. They were given extra increment from 1-3-1995 by Ex. M9 dated 28-3-95.

10. Aggrieved by the above action of the Management, the Vice President of the Union gave Ex. W2 report to the Asst. Labour Commissioner (C) on 19-6-95 pleading that the juniors are given extra increment and not the seniors. The conciliation failed as recorded by the Officer in Ex. W3. So this reference is made.

11. Admittedly, the Extra allowance has to be paid only to Trammers who work at main circuit junctions and who Assist Munshee in preparation of accounts by giving information about the total number of empty tubs sent into the Mine and the filled up tubs received back. Admittedly the three workmen by name Linga Rao, M. Rajaiah and Sivalingu have been working at the Main Circuit Junctions since 1990. In fact they are entitled to extra increment from 1990 itself. But they are given from 1995, of course due to negotiations of the union. The petitioners came on transfer to this Mine on 1-9-1991. Even by then, the said three workmen are working at Main Circuit Junctions. The three petitioners were not allotted work inside the mine initially as by that time, only one rope was functioning. So they worked on surface upto 1993. Later they were sent deep inside the Mine and directed to work deep inside the mine. Their duty is to pull empty tubs as well as tubs filled with coal by the coal fillers. As the petitioners were working inside the Mine they are not paid extra allowance. They seek extra allowance now in this reference.

12. The petitioners are not entitled to extra allowance on the ground of seniority as the extra allowance is paid only for additional work done by the three workmen, though juniors, and it is not part of pay. The petitioners are not entitled extra increment as they did not perform additional work of counting tubs that they were sent inside the mine and brought back. So the petitioners are not entitled to extra increment on the ground of seniority.

13. The petitioners next contended that they can also perform the duties at the main circuit junctions and they should be given an opportunity as they are seniors. The Management resisted the same on two grounds namely the other three workmen were already working the main circuit by that time the petitioners came on transfer and secondly the petitioners are not literates. The first ground is not disputed. W.W. 1 claims in his evidence that he studied 6th Class and other petitioners studied 4th and 5th Classes respectively. He did not file any certificate in proof of it. The respondent filed Exs. M4 to M6 which read that W.W. 1

and Gumma Rajaiah are illiterates and 3rd petitioner Sudhakar Reddy studied 4th Class. The petitioner did not produce any certificate in proof of their education. Literacy is required for giving the account of the tubs to the Munshi. The petitioners are not working under the Munshi. Hence they are not entitled to for the additional allowance.

14. In the result, an Award is passed holding that the petitioners namely Amma Iyalliah, Gumma Rajaiah and Kodur Sudhakar Reddy, are not entitled to extra increment.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 25th day of September, 1997.

#### V. V. RAGHAVAN, Industrial Tribunal-I APPENDIX OF EVIDENCE

Witness examined for Petitioner	Witness examined for Respondent
WW1 : Amma Illaiah	MW1 : V. Raja- gopala Rao

#### DOCUMENTS MARKED FOR THE PETITIONER

Ex. W1 : Letter dt. 9-2-94 addressed by the Vice President of the Union to the A.L.C.

Ex. W2 : Letter dt. 19-6-95 addressed to the ALC by the Vice President of the Union.

Ex. W3 : Minutes of conciliation dt. 19-7-95.

#### DOCUMENTS MARKED FOR THE RESPONDENT

Ex. M1 : Office Order dt. 21-8-91 transferring the 16 workmen of RK 7 to SRP 3 & 3A w.e.f. 2-9-91 including the petitioners.

Ex. M2 : Xerox copy of the Settlement dt. 26-6-84.

Ex. M3 : Xerox copy of the Settlement dt. 21-11-86.

Ex. M4 : Extract of Service Register of Amma Iyalaiah.

Ex. M5 : Extract of Service Card and Identity Card.

Ex. M6 : Extract of Service and Identity Card.

Ex. M7 : Clarification dt. 29-11-86 regarding the Memorandum of Settlement dt. 21-11-96.

Ex. M8 : Discussion with the Union.

Ex. M9 : Office Order dt. 28-3-95 issued for payment of Addl. Increments to Linga Rao and two others.

नई दिल्ली, 21 अक्टूबर, 1997

का०अ० 2915.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्टोनमेन्ट बोर्ड कानपुर के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[सं० एल-13012/6/94-आई०आर० (डी०यू०)]  
के०वी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2915.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cantonment Board, Kanpur and their workman, which was received by the Central Government on the 21-10-1997.

[No. L-13012/6/94-IR (DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 7 of 1996

In the matter of dispute :

#### BETWEEN

Mohd. Ashraf,  
C/o S. Balmik,  
Mahasachiv,  
U.P. Chavni Board Shikshak  
Karmcharhi Sangh,  
Type II-3/10 Defence Colony,  
Shyam Nagar,  
Kanpur.

#### AND

Executive Officer,  
M/s. Cantonment Board,  
Cantt. Kanpur.

## AWARD

नई दिल्ली, 21 अक्टूबर, 1997

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-13012/6/94-IR.(DU) dated 27/28-12-95 has referred the following dispute for adjudication to this Tribunal—

Kya M/s. Cantt. Board Kanpur, prabandhtantra द्वारा कर्मकार श्री Mohanumad Ashraf ko March 1991 se sewa se nishkashit karna nyayochit hai? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai?

2. The case of the concerned workman is that he was engaged as Road gang labour from 25-6-86 as a daily rated worker. He continued to work upto March 1991. His services were terminated in breach of section 25F, G and H of I.D. Act.

3. The reply of the opposite party Cantt. Board Kanpur, is that he was engaged to whipe out extra work. He did not work continuously. He has not completed 240 days in a calendar year. It is denied that there has been breach of provisions of Industrial Disputes Act.

4. In the rejoinder nothing new has been said.

5. Ext. W-4 is the letter dt. 3-6-86, in which it has been mentioned that he is engaged as a daily rated gang mazdoor to do work from time to time as and when necessity arose. This letter itself would go to show that no regular employment was given to him. Instead he was engaged to cope with extra work which may arise from time to time. On the basis of this letter itself the statement of Mohd. Ashraf W.W. 1 that he was engaged on permanent basis on a regular post is not correct. Instead he was engaged to clear the extra work which may arise subsequently from time to time. From the statement of Kuber Singh Junior Engineer M.W. 1 coupled with Ext. M-1 to M-14, the payment vouchers it will be evident that the concerned workman has not completed 240 days in any year. Ext. M-2 is the statement of working days of the concerned workman which is based on scrutiny of vouchers. It shows that the concerned workman has worked for 87 days in 1986, for 108 days in 1987 and for 97 days in 1988. In view of this statement of number of working days it is obvious that the concerned workman has not completed 240 days in any year. Hence it is not entitled for benefit of I.D. Act.

6. In view of above discussions, my award is that the concerned termination of the concerned workman is not bad and accordingly the concerned workman is not entitled for any relief.

B. K. SRIVASTVA, Presiding Officer

कांजा० 2916 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटनमेंट बोर्ड, कानपुर के प्रबन्धतंत्र के संद्वेषित नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[सं० एन-14012/2/95-आई०आर० (डी०यू०)]

के०वी०डी० उप्परी, डैस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2916.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cantonment Board, Kanpur and their workman, which was received by the Central Government on the 21-10-1997.

[No. L-14012/2/95-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR KANPUR

Industrial Dispute No. 35 of 1996

In the matter of dispute :

## BETWEEN

Mangal,  
S/o Munni Lal,  
C/o U.T.U.C.,  
Uttar Pradesh Shakha,  
119/525 Darshan Purwa,  
Kanpur.

## AND

Executive Officer,  
Cantonment Board,  
Kanpur.

## APPEARANCE :

Shri B. C. Tandon for the Management.

Shri Ravi Pratap Narain for the workman.



## AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-14012/2/95-IR (DU) dated 27-3-97 has referred the following dispute for adjudication to this Tribunal :

"Kya Chavni Adhishashi Kanpur ke Cantonment Board Kanpur Dwara Shri Magak ko Naukri se nikala jana nyochit aur vaidhanik hai ? Ydi nahi to karmkar kis anutosh ka hakdar hai ?"

2. The case of the concerned workman Mangal is that he was engaged by the opposite party Cantt. Board Kanpur as Safai Wala on 8-4-88 and he continued to work there. As he had fallen ill, he applied for 15 days leave. When he returned he was informed that he has been removed from service w.e.f. 4-4-94. Thus termination is bad, being in breach of provision of Section 25F I.D. Act.

3. The opposite party has filed reply in which it has been alleged that the concerned workman has absented himself without any information hence he was removed from service after holding domestic enquiry.

4. In the rejoinder it is denied that any domestic enquiry was held. However it has not been disputed that enquiry was not fairly and properly held.

5. In support of his case the management has filed papers relating to domestic enquiry and these papers have been proved by Raj Hans Medical Supdt. MW(1). However Mangal WW(1) has denied in his evidence that enquiry was not held against him. Thus the version of in this regard is un rebutted. Accordingly it is established that the concerned workman was removed from service after holding enquiry in respect of misconduct of unauthorised absence from duty. As its fairness and propriety has not been challenged, it is not been examined.

6. As the termination of the concerned workman is based on domestic enquiry, provision of Section 25F I.D. Act would not apply to it. Thus in the end as the termination is based on domestic enquiry I come to the conclusion that termination is not bad and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्तूबर, 1997

कांआ० 2917.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार केन्टोनमेन्ट बोर्ड, कानपुर के प्रबन्धकों के संबंध निधोजकों और उनके वर्गों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था ।

[नं० एल-14012/3/95-आई०आर० (डी०यू०)]  
के०बी०बी० उष्णी, ईम्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cantonment Board, Kanpur and their workman, which was received by the Central Government on 21-10-1997.

[No. L-14012/3/95-IR (DU)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial dispute No. 36 of 1996

In the matter of dispute :

## BETWEEN

Chavni Adhishashi Adhikari,  
Cantonment Board,  
Kanpur.

## AND

Ramesh Kumar,  
C/o U.P. Chavni Board Shikshak Karamchhari Sangh,  
32/10 Defence Colony,  
Shyam Nagar,  
Kanpur.

## AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-14012/3/95-IR(DU) dated 27-3-96, has referred the following dispute for adjudication to this Tribunal—

Kya Chavni Adhishashi Adhikari Kanpur dwara karmkar Ramesh Kumar ko dinank 28-9-78 se naukari se nishkashit karna nyayochit aur avaidhanik hai ? Yadi nahi to karmkar kis anutosh ka haqdar hai ?

2. The case of the concerned workman Ramesh Kumar is that he was engaged as chowkidar by the opposite party Cantt. Board Kanpur on 1-5-75 to

8-7-75, thereafter he was again engaged on 29-2-76 and worked upto 27-3-76. Yet again he worked from 1-6-78 to 28-9-78. Thereafter, his services were illegally terminated in breach of Section 25F, G and H of I.D. Act.

3. Opposite party has filed reply in which period of employment of the concerned workman has not been dispute. However, it is alleged that the claim is too stale to be examined. There has been no breach of any provisions of Industrial Disputes Act.

4. In the rejoinder nothing new has been said.

5. It will be obvious that the claim is about 18 years old. No doubt no period of implementation is prescribed for seeking reference. Still it is settled law that stale claim should not be entertained. In the case of Balvant Singh versus P.O. Labour Court 1996 Lab IC 25 (Pun) in which it has been laid down that courts help a vigilant person. A person who remains aloof to his right, will be deemed to have acquiesced and thereby it will be further deemed that he has waived his right. No doubt in the instant case, the concerned workman has examined himself as W.W. 1 but no explanation has been given as to why he has challenged the order of his termination after lapse of about 18 years. In the absence of such explanation it will be deemed that he has waived his right and he did not dispute the correctness of termination order.

6. On merits too I do not find any substance in the claim of the concerned workman as from the evidence of Raihans coupled with documents it is borne out that he was engaged in leave vacancies. Even the concerned workman in his cross examination has admitted that he was engaged in leave vacancy. A person who has been engaged in leave vacancy has no right whatsoever and he is not entitled for benefits of any provisions of Industrial Disputes, Act. Hence on merits too it is held that termination of the concerned workman is not bad.

7. Accordingly my award is that the termination of the concerned workman is not bad in law and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 अक्तूबर, 1997

कांआ० 2918.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम फैक्टरी सम्बंध, के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अन्तर्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 2, मुम्बई के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-97 को प्राप्त हुआ था।

[सं० एल-40011/34/95-आई०आर० (डी०ए०)]  
के०बी०बी० उष्णी, डैम: अधिकारी

New Delhi, the 28th October, 1997

S.O. 2918.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Factory, Mumbai and their workman, which was received by the Central Government on the 28-10-97.

[No. L-40011/34/95-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

#### PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/27 of 1996

Employers in relation to the Management of Telecom

#### AND

Their Workmen

#### APPEARANCES :

For the Employer : Mr. B. M. Masurkar Advocate.

For the Workmen : Mr. S. R. Wagh Advocate.  
Mumbai, dated 22nd September, 1997

#### AWARD

The Government of India, Ministry of Labour by its order No. L-40011/34/95-IR(DU), dated 30-5-96, had referred the following Industrial Dispute for adjudication :—

“Whether the action of the management of Telecom Factory, Bombay in not extending the benefits of departmentalisation to the employees of the canteen in the Telecom Factory, Bombay is legal and justified? If not, to what relief the workmen are entitled to ?”

2. The Union filed statement of claim at Exhibit-3. It is averred that there are 25 employees working in the canteen, eleven are in Group ‘C’ and 14 are given in Group ‘D’. The particulars are given in Annexure ‘A’.

3. The Union pleaded that the Government by its notification dated 11-12-1979 notified that the post of canteen and tiffin homes run departmentally by the Government of India is the post in connections with the affairs of the union from 1-10-1979 Annexure ‘B’. The department framed rules under Article 309 of the constitution which are called as a departmental canteen employees (recruitment and condition of service rules, 1980).

4. The management then regularised the services of the canteen employees w.e.f. 4-11-81 (Ex.-C).

5. The union averred that by a circular dated 3-2-1981 of Heads of Postal/Telecom circles of Heads of Telephone Districts and of Heads of Administrative Offices were directed to regularise the canteen employees w.e.f. 1-10-1979 (Annex-B). It is therefore submitted that the canteen employees are also required to be regularised w.e.f. 1-10-1979 and not from 4-11-1981 as ordered. It is the discrimination between two sets of employees. There is no rational nexus between the action of the Government for these to criterias. It is averred that the employees in the statutory canteen of the controllers of the telecommunication at Calcutta and Jabalpur then regularised w.e.f. 1-10-79. On the same analogy these employees are to be regularised. It is also submitted that they have been denied the benefits of departmentalisation such a additional benefits, leave entitlements, promotional schemes to other categories of employees of the management. They prayed for the reliefs accordingly.

6. The management resisted the claim by the written statement (Ex-5). It is averred that the Tribunal had no jurisdiction to decide the reference. It is pleaded that the dispute which is raised had effect to all the canteen employees in India. It is therefore, a national issues and not limited to the employees at Telecom Factory canteen at Mumbai alone. It is asserted that the Central Administrative Tribunal at Jabalpur dismissed the application filed by Canteen employees of Telecom Factory Jabalpur of a similar nature. The management averred that the Telecom Factory canteen is a statutory canteen established in accordance with the provisions of section 46 of the Factories Act of 1948. It is denied that it is a statutory departmental canteen. It is submitted that the date of initial appointment of each of the employees is known to the management as they were employed by the canteen managing committee according to the own recruitments. But the pay scales prescribed by various categories were granted to them by letter dtd. 7-10-1983 (Ex-c). It is submitted that though they were employed without following any prescribed rules, but the Government by its letter dtd. 4-11-1981 treated those employees as Government employees with immediate effect and they were converted as departmental employees w.e.f. 4-11-81. They have been granted the status like that of Central Government Employees. They were given different pay scales as per the Telecom Memo dtd. 7-10-83. It is asserted that the management had not violated any of the provisions of the said order of the Government of India. It is submitted that the notification dated 11-12-1979 is applicable only to the non statutory canteen/telephone rules set up as a welfare measure in various establishments of the Government of India. But it is not directly applicable to the canteen set up under the Factories Act. It is therefore the question of converting the canteen employees as departmental employees with retrospective effect from 1-10-1979 does not arise.

7. The management asserted that all the consequential benefits due to the canteen employees on account of conversion have been granted. It is asserted that they are given vocational benefits due to them like other government employees from the date they were declared as government servants.

8. The management averred that after prolonged discussion between Ministries of Railways, Defence and Post and Telegraphs the employees in different statutory canteens were deemed to be servants of that department from particular dates. Such notification dated 11-12-1979 is not applicable to the Statutory canteen. There was no merit in the claim for its application to the employees of statutory canteens. It is therefore, prayed that the employees are not entitled to any of the reliefs as claimed and the reference may be answered accordingly.

9. The Union reiterated their claim by the rejoinder (Exhibit-6).

10. The issue that fall for my consideration and my findings there on are as follows :

Issues	Findings
1. Whether the action of the management of Telecom Factory, Bombay in not extending the benefits of departmentalisation to Association of the employees of the canteen in Telecom Factory, Bombay from 1-10-79 is legal and justified ?	Yes
2. Whether the employees are entitled to vocational benefits from the date of their initial appointment ?	Yes for pensionary benefits only
3. If not, what relief the workmen are entitled to ?	As per order.

#### REASONS

10. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector of Posts Vs. Theyyam Joseph, 1996 II Supreme 487, the telecommunication is not an industry and this Tribunal has no jurisdiction to decide the matter.

11. In Joseph's case Their Lordships observed "India is a sovereign, socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures pertain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin the state diverse duties under IV of the constitutional functions. One of the duties is of the state, to provide telecommunication service to the general public as an amenity and so is the essential part of sovereign functions of the state, as a welfare state, it is not therefore an industry".

12. The learned advocate for the workman placed reliance on various authorities and tried to submit that Mahanagar Telephone Nigam Limited is an industry. According to him in State of Bombay and Ors. Vs. Hospital Mazdoor Sabha and Ors. 1960 I LLJ 251 it is observed, it is the character of the

activity which decides the question as to whether the activity in question attracts the provisions of 2(j) of the Act. It is further observed who conducts the activity and whether it is conducted for profit or do not make a material difference. Their Lordships also referred to Schedule I to the Act which innumerate Industrial which may be declared as public utility service under section 2(N) of the Act.

13. In *Corporation City Nagpur and its employees* 1960 1 LLJ 523 Their Lordships considered the scope of the definition industry. It is observed that however, wide the definition of industry might be it could not include the legal or sovereign function of the state viz the primary and inalienable functions of a constitutional government which should be confined to administration of justice, maintenance of law and other legislative functions.

14. In *management of Safdurjung Hospital and Kuldeep Singh Sethi* 1970 II LLJ 266, Their Lordships while considering whether Hospital run by Government or a local authority or by charitable institutions not as economic activity as an industry held that they are not governed by the definition of industry in section 2(j) of the Act. In paragraph 14 and 15, Their Lordships discussed the point regarding material services. It is observed that material services are not services which depend wholly or largely upon the contribution of professional knowledge skill or dexterity for the production of the result. Such a service given individually and by individual are services no doubt but not material services. These services involve inactivity carried on through co-operation between employees and employers to provide a community with a use of something such as electric power, water transportation, mail delivery telephones and the like.

15. Then comes the *Bangalore Water Supply and Sewerage Board etc. and A. Rajappa & Ors.* 1978 I LLJ 349. The Constitutional Bench of seven Judges discussed various aspects namely what is industry and laid down different tests for coming to conclusion where a particular activity is an industry or not. The Learned Advocate for the workman more particularly placed reliance on paragraph 46 and 47 of the Judgment. He also referred to paragraph 131 of the Judgment. It is observed therein that what is dominant nature test. It is stated that sovereign functions strictly understood alone qualified for exception not the welfare activities or economic adventures undertaken by Government or statutory bodies.

16. In *Dahir Gram Panchayat and Shri Brahad Saurashtra Safai Kamgar Mandal Rajkot* 1971 I LLJ 508 wherein it is held that the conservancy and the sanitary activity carried on by Panchayat would be covered by the definition of the word industry. Such activity being material service and a public utility service, the workers are the workman as defined in section 2(j) of the Act.

17. In another case between *Umamyan and State of Kerala* 1983 I LLJ 267 Their Lordships have given a test for determining which establishments in an industry are an industry or not. The Reference was regarding clerk, typists, Khalsis. While decid-

ing it. Their Lordships observed sovereign functions strictly understood alone qualify for exemptions not the other activities or economic adventures taken by Government or statutory bodies. In another case *Bijoy Kumar Bharathi and Ors. Vs. State of Bihar* I LLJ 214 Their Lordships observed that the mere fact that there is a service code does not amount to necessary implication to the exclusion of the provision of the Industrial Disputes Act to Government department. If there were rules, for instance specially dealing with the manner in which temporary appointments could be terminated it could legitimately be argued that section 25F is excluded. For them the rules framed under the Constitutional provisions would have precedence over the Act. It is not possible to accept the contention that the provisions of the Act do not apply to Government servants.

18. In *Union of India Vs. Presiding Officer Vs. Central Government Industrial Tribunal, Jabalpur* FGR 1994 page 231 Their Lordships observed that the Central Ordinance department is a severable unit of the defence department of the Central Government and carried on systematic activity with the co-operation of the employees and the employers and is an industry as defined in section 2(j) of the Industrial Disputes Act of 1947.

19. In *Writ Petition Nos. 1584 of 1981, 8721 of 1981 and 3122 of 1981* the Nagpur Bench of the High Court of Bombay held that telegraph department is an industry under section 2(j) of the Industrial Disputes Act. In *K.R.P. Kaimal and Anr. and Director of postal services, Trivandrum* 1979 I LLJ 176, it is observed by Their Lordships public utility services like the postal services comes under industry, such activity cannot be called as a sovereign functions solely because rules framed under articles 309 and 310 governs such an employee. In another case between *Bhaskaran and Sub-Divisional Officer* 1982 II LLJ 248 it is observed that post and telegraph and Telephone services are named public utility services under the Act. They are industries to which the provisions of section 10, 12 and 22 of the Act directly apply.

20. In *Delhi Science Forum Vs. The Union of India* (1996) 2 Supreme Court case 405 wherein Their Lordships considered section 4 of the Telegraphic Act, 1885 which speaks of granting of a licence to non-government companies. That right flows from the sub-section 1 of section 4 which vests that privilege and right in the Central Government.

21. On the basis of the principles laid down in the above said authorities it is tried to argue that Telecommunication is an industry. It cannot be termed as a sovereign function of the state. It is Government undertaking. It works for profits for all these reasons it clearly meets out the requirement of an industry under section 2(j) of the Act and is an industry.

22. The Learned Advocate for the management argued that this Tribunal in an earlier Reference No. 2/26/91 came to the conclusion on the basis of the Joseph's case that Telecommunication is not an industry Judicial discipline wants that unless there is verdict from the superior court or that there is suffi-

cient evidence on the record for changing the earlier views the Tribunal should not change its views. This proposition is acceptable. Further more, if it is found by this Tribunal that a view taken by it is incorrect. There in that case it cannot be said that it should commit the same mistake in latter Judgments/Awards. It can very well correct himself as laid down in Mafatlal Engineering Industries Ltd. Vs. Mafatlal Engineering Employees Union and Ors. 1992 I CLR 418. The Award of this Tribunal was challenged in SLP Bombay Telephone canteen employees case. It was confirmed.

23. The Learned Advocate for the workman argued that the Bangalore Water works was delivered by a Constitution Bench of Seven Judges. The view expressed in Joseph's case and later on in Bombay Telephones case is of a smaller bench of the same court. In view of Article 141 of the Constitution of the decision given in those cases is *per incurium*. The Tribunal has to ignore it. In Bombay Telephone case Their Lordships had considered many of the authorities which were cited before me. The ratio therein cannot be said to be '*per incurium*'.

24. The Learned Advocate for the workman placed reliance on Union of India and Ors. Vs. Godfrey Philips India Ltd. (1985) 4 S.C. cases 369 and Punjab Land Development and Reclamation Corporation Ltd. Chandigarh and Presiding Officer Labour Court Chandigarh (1990) 3 S.C. cases 682. These cases deals with the law that the principles laid down by larger bench are to be followed in relation to smaller bench, nobody disputes it.

25. The Suprem Court considered their views expressed in Joseph's case in Bombay Telephone Canteen Employees Association, Prabhadevi Telephone Exchange Vs. Union of India and Anr. 1997 II CLR 218 Their Lordships considered the Bangalore Water works, Hospital Mazdoor Sabha, Corporation City of Nagpur Rajasthan State Electricity Board and many other. They also considered the case of Physical Research Laboratory Vs. K. G. Sharma, J. T. 1997(4) S.C. 527 and came to the conclusion that departmental canteen of Telephone is not an industry. It is observed that the employees working in a statutory canteen in view of respondents admission are holding civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate a dispute on a reference under section 10(1) of the Industrial Disputes Act.

26. In the above said authority their Lordships further observed that the employee gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 or a petition filed before the Administrative Tribunal. They are co-existing. The court would therefor strike balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attracted all the conditions laid down would become applicable to the employees with a fixity of tenure and guarantee of service subject

to disciplinary action. His removal should be in accordance with the just and fair proceedings envisaged under the rules or application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employees is assured and the whim and the fancy vagary of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary, unjust or unfair procedure. On the other hand if the findings is that there exists no statutory rule or certified standing order exists or they are not either made inapplicable. The remedy of the reference under section 10 of the Act would always be available and avail of as it is an industry and indicia lead in Bangalore water supply Board case gets attracted.

27. In Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar and Ors. 1997 S.C. cases (L&S) 1079 Their Lordships observed every department of Government cannot be treated to be an industry. When the appointments are regulated by the statutory rules the concept of industry to that extent stands excluded. In that case the petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. They are disengagement from service, cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees since they are only daily wage employees and have no right to the post, their disengagement is not arbitrary. Relying on the ratio given in this authority it is tried to submit that the workman who is a casual labourer have no right for the employment. The other facts are different than the facts before me.

28. The ratio laid down from the above said authorities is that if the employees hold a civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Act.

29. From the statement of claims and the written statement so also from the testimony of R.D. Prabhu (Ex-14), the Vice President of the union it is very clear that these employees are government servants. They held the civil posts. It is therefore for the ratio given in the above said authority the Tribunal had no jurisdiction to decide the reference.

30. For the sake of argument if it is said that the Tribunal had jurisdiction to decide the reference I intend to answer the remaining issues.

31. A notification was issued by the Government on 11-12-1979 (Ex-B) which speaks that the Government had taken the decision to treat with effect from 1st day of October, 1979 all posts in the canteen and tiffin rooms run departmentally by the Government of India as posts in connection with the affairs of the union. Accordingly present and future enactments of such posts would qualify his holders of civil posts under the Central Government, necessary rules governing their conditions of service will be framed under the provisions of article 309 under it

constitution to have retrospective effect from 1st day of October 1979. Thereafter Ministry of Communication issued a circular on 4-11-1989 (Ex.-C) regularising the service on 3-2-1981 (Annex-B), was issued laying down the conditions of service of the enactments of these posts and framed under proviso of article 309 of the constitution to have retrospective effect from 1st day of October 1979.

32. Prabhu (Ex-14) affirmed as per the Statement of Claim. It is not in dispute that initially these employees were employed by the canteen managing committee. After perusal of the notification it can be seen that the application of that circular is to be non statutory canteen/tiffin room set up as a welfare measure in various establishments of the Government of India. The first word of that notification is welfare. The notification is not applicable to canteen set up in Factories under section 46 of the Factories Act which are the statutory canteens. These employees become Government Employees only from 4-11-1981. It is therefore their request to treat them as employees with retrospective effect from 1-10-1979 cannot be accepted. In other words the Tribunal had to set aside the orders issued by the President confirming them status of Government servants w.e.f. 4-11-1981 which cannot be done by this Tribunal.

33. The union had prayed that they should be given vocational benefits from the date of their initial appointment. Prabhu had produced Annexure 'A' alongwith the statement of claim showing the date of initial appointment of each of the employees in the Telecom Factory Mumbai. There is no oral evidence on behalf of the management. I do not find any reason to dispute the original date of appointment which is mentioned in Exhibit 'A'. So far as S. B. Kanaknath who is at serial No. 25 is concerned his initial date of appointment on his own mentioned but he appears to be appointed on 17-5-1990.

34. In Kanpur Suraksha Karamchari Union Vs. Union of India 1989 1 LLJ 26 Their Lordships observed that the employees working under the canteen Establishment in defence Industrial Installations under section 46 of the Factories Act, 1948 were directed to be treated as Government employees under the order dated 20-7-1981 which was given effect from 22-10-1980. Those employees retired. The department refused to treat the period of service prior to 22-10-1980 in such canteen as part of qualifying service for the purpose of pension on the found that he was only w.e.f. 22-10-1980 they became Government employees. While deciding the matter Their Lordships observed that such employees were employees of the factory in which canteen was established and services rendered by them prior to 22-10-1980 and also counted for the purpose of pension. Relying on the ratio given in this authority it has to be said that these employees who rendered service in the canteen prior to 4-11-1981 is also to be taken into consideration for awarding pensionary benefits only.

35. So far as the other claim which is made in the prayer it can be seen that it is the case of the management that these employees are given all other benefits as per the Government servants from 4-11-1981.

Naturally they are not entitled to any other benefits prior to that date except that of the pensionary benefits which I have stated above. In the result I record my findings on the issues accordingly and pass the following order :

### ORDER

The Tribunal had no jurisdiction to decide the reference.

S. B. PANSE, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1997

कां०अ० 2919 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिबीजनल इंजीनियर टेल्कोम, धूले के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-97 को प्राप्त हुआ था।

[सं० एन-40011/37/95-आई०आर० (डो०यू०)]

के०वी०बी० उण्णो, डैस्क अधिकारी

New Delhi, the 28th October, 1997

S.O. 2919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer, Telecom, Dhule and their workman, which was received by the Central Government on 28-10-1997.

[No. L-40011/37/95-IR(DU)]

K. V. B. UNNY, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

#### PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/29 of 1996

Employers in relation to the Management of Telecom

AND

Their Workmen

#### APPEARANCES :

For the Employer—Mr. Pradhan, Advocate

For the Workmen—Mr. H. Y. Deo, Advocate.

Mumbai, dated 22nd September, 1997

## AWARD

The Government of India, Ministry of Labour by its Order No. L-40011/37 95-IR(DU), dated 30-5-96, had referred to the following Industrial Dispute for adjudication :

‘Whether the action of the management of Divisional Engineer Telecom, Dhule in not according temporary status to Shri Ramesh Bhatu Choudhary, ex-casual mazdoor is justified or not ? If not, what relief the workman is entitled to ?’

2. R. B. Choudhary the workman pleaded that he was working as a casual labourer from January, 1973 till 31-12-84 continuously. He worked for 230 days in that period. He was doing the job of shifting of heavy telecom equipment from one place to other digging the trenches and the pits of the roads and open fields for the purpose of laying the underground cable and erecting the overhead alignments and other such laborious job. The department was absolutely happy with the work.

3. The worker pleaded that initially that is 17-1-73 to 30-12-77 he continuously worked. Thereafter from 1-8-78 to 31-10-79 for 395 days. He pleaded that he was then appointed on 18-12-84 and worked up to 31-12-84. It is averred that when the worker was retrenched the provisions of the Industrial Disputes Act were not followed. He made several representations to the management to reinstate him but they did not. It is averred that the department had prepared the scheme whereby a temporary status is being granted to casual labourers. He then represented the management by his letters dated 18-9-90, 28-11-92 and 29-7-93 but the management had not taken any cognizance of that representations. In fact in view of the different circulars of D.O.T. Delhi which are dated 7-4-89, 7-6-90 and 14-3-91 the worker is required to be given a temporary status. It is submitted that under such circumstances it may be declared that the termination of the services of the workman is illegal and that he may be reinstated in service alongwith backwages with other benefits.

4. The management resisted the claim by the Written Statement Exhibit-6. It is averred that the worker was a casual labourer on daily wages. He never turned for his duties since 10-9-90. His whereabouts were not known to management. It is pleaded that his services were never terminated but he himself remained absent for the first time for seven months then for five years and a month and again for five years and nine months. It is asserted that the worker in that period absconded and again came to join the duties. He never bothered to inform the management regarding his absentism. It is submitted that under such circumstance, the procedures contemplated under the

Act has not required to be followed at all. It is submitted that the circulars which are cited and the schemes referred by the applicant is not at all applicable to the second party though he made those representations. They submitted that under such circumstances the workman is not entitled to any reliefs.

5. The issues are framed at Exhibit-8. The issues and my findings thereon are as follows :

Issues	Findings
1. Whether the Tribunal has jurisdiction to decide the reference under Industrial Disputes Act ?	Yes.
2. Whether Ramesh Choudhary himself abandoned the service ?	Yes.
3. Whether the action of the management of Telecom in not granting temporary status to Ramesh Choudhary ex-casual mazdoor is justified ?	No.
4. If not, what relief the workman is entitled to ?	As per order.

## REASONS

6. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector of Posts Vs. Theyyan Joseph 1996 II Supreme Court 487, the Telecommunication is not an industry and this Tribunal has no jurisdiction to decide the matter.

7. In Joseph's case Their Lordships observed, 'India is a sovereign, socialist, secular, democratic republic has to establish an egalitarian social order under the rule of law. The welfare measures pertain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin the state diverse duties under IV of the Constitution and performances of the duties constitutional functions. One of the duties is of the state, to provide telecommunication service to the general public as an amenity and so is the essential part of sovereign functions of the state as welfare state, it is not therefore an industry.'

8. The Learned Advocate for the workman placed reliance on Bombay Telephone Canteen Employees Association, Prabahadevi Telephone Exchange Vs. Union of India 1997 II CLR 218. The Supreme Court considered their views ex-

pressed in Joseph's case in Bombay Telephone Canteen Employees Association.

9. In the above said authority their Lordships further observed that the employees gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 or a petition filed before the Administrative Tribunal. They are co-existing. The court would therefore strike a balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attracted all the conditions laid therein would become applicable to the employees with a fixity of tenure and guarantee of service subject to disciplinary action. His removal should be in accordance with the just and fair procedure envisaged under the rules or application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employee is assured and the whim and the fancy vagary of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary unjust or unfair procedure. On the other hand if the finding is that there exists no statutory rule or certified standing order exists or they are not either made inapplicable, the remedy of the reference under section 10 of the Act would always be available and avail of as it is an industry and indicia lead in Bangalore Water Supply Board case gets attracted.

10. Admittedly Ramesh the workman was employed as a temporary mazdoor and was not on a particular pay scale. His recruitment was not under specified rules. In other words he does not hold any civil posts in the department. In view of the ratio given in the above said authority the Tribunal had jurisdiction to decide the reference under the Industrial Disputes Act.

11. Ramesh affirmed that he worked as a casual labourer from 17-1-73 to 31-12-77 that is 1,799 days. Thereafter he worked from 1-8-78 to 31-10-79 that is 395 days. Thereafter he worked between 18-12-84 to 31-12-84 for 13 days. This position is not disputed as nobody cross examined him. So far as last employment which was in the year 1984 is concerned it can be very well seen that it is not 240 days in a year. Therefore he cannot be said to be in continuous service as contemplated under section 25 (B) of the Act.

12. Exhibit-7/2 is a scheme announced by the department dated 7-11-89. It speaks of giving temporary status to an employee who have worked more than 240 days in any year prior to 1985. It can be further seen that along with Exhibit-7/1 the workman had produced month wise particulars of the days on which he worked. That supports the case that he fits to be given a status of the temporary mazdoor as per the scheme. The case which

is tried to be made out by the management is that he absconded. Whenever he came, the job was given. So far as absconding persons are concerned what is to be done in respect of them is shown in Exhibit-7/3. It states that the notice is to be given to such an employee to come for duty. For the sake of argument if it is said that the management is not having the address of the workman then in that case what is to be done. Herein this particular case the workman had written letters to the management on 18-9-90, 28-11-92 and 29-7-93 which are at Exhibits-7/5, 7/6 and 7/7 respectively. It is not the case of the management that they did not receive it. It can be further seen that in the conciliation proceeding the management did not deny the fact that the workman had worked more than 240 days. But their case is that he remained absent. Therefore the work could not be given to him. In view of the circulars even if it is said that he was absconding now under the scheme he is to be given status of a temporary mazdoor. But looking to this particular circumstance I am not inclined to grant him any back wages. It is not the case that his services were terminated by the management and it did not follow the provisions of retrenchment.

13. It can be further seen that after last attending the duty in 1984 he wrote a letter to management in 1990 that is six years. Then he kept mum for two years and wrote another letter. His conduct appears to be that he can do anything. It appears to be that he had raised this dispute not with an intention to get an employment but to get back wages. That cannot be allowed at all. But in view of the scheme he had to be given temporary status and employment. In the result I record my findings on the issues accordingly and pass the following order :

### ORDER

The action of the management of Divisional Engineer Telecom. Dhule in not granting temporary status to Shri Ramesh Bhatu Choudhary, Ex-casual Mazdoor is not justified.

The management is directed to appoint R. B. Choudhary as a casual mazdoor immediately and grant him temporary status.

S. B. PANSE, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

का०आ० 2920--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के सम्बन्ध में नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के



पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एल-12012/2/94-आई० आर०-बी० II]  
सनातन डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 20-10-1997.

[No. I-12012/2/94-IR (B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 98 of 1994

In the matter of dispute :

#### BETWEEN

K. P. Singh  
Garh Road Sotawali  
New Mandi Hapur  
District Ghaziabad.

#### AND

Regional Manager  
Allahabad Bank  
Lakhimpur Khiri.

#### APPEARANCE :

M. K. Verma—for the Management and  
B. P. Saxena—for the Workman.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/2/94-I.R. (B-II) dated 15-11-1994, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Allahabad Bank Lakhimpur Kheri UP in dismissing Sri K. P. Singh, Clerk-cum-Cashier from service w.e.f. 22-8-91 is legal and justified? If not, what relief is the said workman entitled to?

2. There is a rural branch at Aurangabad in Lakhimpur Kheri of the opposite party Allahabad Bank. Ram Singh, MW-1 was posted there as Manager some times on 7-2-79. The concerned workman K. P. Singh was posted there as clerk-cum-cashier whereas one Ram Balak was posted there as cashier in charge. Ram Vilas was peon-cum-farrash. According to the bank Satish Chandra was checking the balance sheet. In that connection he wanted a balance sheet of December 1988 which was prepared by Balak Ram. When that balance sheet was asked for Balak Ram sought some time. As there were financial irregularity in this balance sheet Ram Balak alongwith the concerned workman and Ram Vilas who were thick with each other in furtherance of their common object got collected all the accounts books and balance sheets at one place and set them at fire in order to destroy all papers by which these financial irregularities could be unearthed. In this regard the concerned workman was issued a chargesheet dated 20-4-89 which reads as under—

On 7-2-89 at around 9.00 p.m. you entered inside the branch of Aurangabad (Kheri) alongwith Sri Balak Ram by opening the lock with the keys fraudulently obtained by Sri Balak Ram from Sri Ram Milan

peon-cum-farrash of Aurangabad (Kheri) branch collected all the ledgers and other records in corner of the branch with the help of Sri Ram Balak and set fire to them as a result of which all the ledgers and other records of the branch were destroyed in the fire.

One S. K. Bhatia an officer of the bank was appointed as Enquiry Officer. After completing enquiry he submitted his report on 2-6-91. Agreeing with this report, the concerned workman was dismissed from service vide order dated 22-7-91. Feeling aggrieved the concerned workman had raised the instant industrial dispute.

3. In the claim statement interalia the fairness and propriety of domestic enquiry was challenged. On merits it was denied that he had any hand in the setting of fire of the record in bank premises.

4. The opposite party Allahabad Bank maintained that enquiry was fairly and properly held and that the concerned workman also shared common intention with Ram Balak in destroying the bank's books. On the pleadings of the parties a preliminary issue regarding fairness and propriety of the domestic enquiry was framed. Vide finding dated 27-3-97, this Tribunal held that enquiry was not fairly and properly held in as much as there was paucity of evidence, hence the enquiry report was not aside and the management was given opportunity to prove the misconduct on merits. After that the management has examined Manager Ram Singh MW-1. In rebuttal K. P. Singh WW-1 has examined himself besides Shiv Prasad Gupta WW-2 has been examined.

5. Ram Singh MW-1 in his evidence has stated that on 6-2-89 Satish Chandra was tallying the balance sheet and that Balak Ram was required to produce the balance sheet of December 1988 for which he had obtained time. In the morning of 8-2-89 when he came he found that bank papers were assembled at one place in the bank and it was burning. He had further stated that K. P. Singh Ram Balak and Ram Vilas are intimate friends and it was their handiwork in order to destroy the evidence by which the foul game of Ram Balak could be detected. He has not been cross examined regarding the friendship of the concerned workman with Ram Balak and that Ram Vilas. He has also not been cross examined about the fact financial irregularities were found on 6-2-89 when Satish Chandra was checking the balance sheet. In his cross examination, he has also admitted that in connection with discrepancy of balance sheet he was also punished by way of stoppage of increments.

6. In rebuttal there is evidence of K. P. Singh WW-1 who has simply stated that he was posted at Aurangabad branch on 7-2-89. His residence is at Maigalganj. This is at a distance of about 7 Kms from Aurangabad. He used to travel daily to his office from his residence. His routine was that he used to leave his residence at 7 a.m. and in the evening he used to return and further use to sit at the medical store of Sheo Prakash Gupta. He came to know about fire next morning at about 10 p.m. In his cross examination he has stated that he was on duty on 6-2-89. He has further admitted that Balak Ram was supposed to prepare balance sheet. This Balak Ram was present at Aurangabad Branch on 6-2-89. Next morning when he reached he saw burning of ledgers and other papers but he made no attempt to extinguish it. Shiv Prakash Gupta WW-2 has stated that the concerned workman in a routine way was straight at his shop from 7 p.m. to 10 p.m. This is a short of alibi to eliminate the presence of K. P. Singh in the night between 7/8-2-89. I am of the view, that this oral evidence is concerted one and has been manipulated to prove alibi. It does not inspire confidence as Shiv Prakash Gupta is not supposed to remember the exact date having no special interest in it. However, from the un rebutted and unchallenged evidence of Sheo Prasad Gupta it is fully established that Ram Balak was involved in connection with preparation of wrong balance sheet involving financial irregularity. It is further established from this evidence that all those persons are intimate friends. It is obvious that Ram Balak would have stood the game by burning of ledgers and other papers as in this way his foul game could not be detected. The concerned workman being friend of Ram

Balak would have also been a party to it. Hence motive is made out. Still I think from this direct motive alone the case of the management cannot be said to have been proved. Atleast Chowkidar should have been examined. Further the authorised representative of the concerned workman has also referred to me Ext. M-3 a chargesheet the to Ram Vilas in this connection. In this chargesheet the name of the concerned workman has not been given to show that both of them had shared common intention. In criminal law it was necessary but in departmental proceedings, the validity of chargesheet is not to be examined so minutely. It was enough to mention that he alongwith others had perpetrated this crime. Hence, the concerned workman cannot get benefit from this paper. I am conscious of the rule of law that standard of proof in a case of domestic enquiry is not rigorous as in a case of criminal trial. Still I think establishment of motive is not enough. The authorised representative for the management has also drawn my attention to the statement of K. P. Singh WW-1 wherein he has stated that when next morning he reached the spot he made no efforts to distinguish the papers. It is submitted that as he was a party to this foul game he refrain from putting down the fire. It may be true but still the evidence falls much short of required evidence to prove the complicity of the concerned workman in this misconduct.

7 As a result of above discussion, I am of the view that there is strong suspicion against the concerned workman regarding his hand in the burning of ledgers and other accounts book but it has not been fully proved. Thus the misconduct is not proved. Hence, he could not be dismissed from service for such misconduct. In view, as I have found strong suspicion against the concerned workman, I would treat it to be a case of loss of confidence and as such would not allow him reinstatement. Instead ends of justice would be adequately met if he is awarded 30,000 as compensation in lieu of reinstatement.

8. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

क्रा.सं. 2921.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रार्थित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं.प्ल-12012/57/92-आई. आर. बी. II]

सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 20-10-1997.

[No. I-12012/57/92-IR (B-II)]

SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 98 of 1992

In the matter of dispute :

BETWEEN

Rishi Kumar son of Bhagwan Sahai,  
8 141 Ghairo Bazar Belanganj Agra .

AND

Regional Manager, Bank of India  
First Floor Jiwan Prakash Bhawan  
Sanjay Place, Agra.

APPEARANCE :

Sri M. K. Verma—for the Management and

Sri Surendra Singh—for the workman.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No L-12012 57/92-IR (B-II) dated 31-8-92, has referred the following dispute for adjudication to this Tribunal—

"Whether the claim of Shri Rishi Kumar that he was an employee of the Bank of India between 1982 and 1990 and therefore, master servant relationship existed between them is correct? If so, whether termination of his services by the management is justified? What relief, if any, is the workman entitled to?"

2. The case of the concerned workman Rishi Kumar is that he was engaged from 1-6-82 by the opposite party and he worked continuously. Thereafter he was removed from service on 5-9-90. Thereafter one Pooran Singh was engaged. Besides there has been breach of Section 25-F of I. D. Act as retrenchment compensation and notice pay was not given to him at the time of termination.

3. The opposite party has filed reply in which it has been alleged that concerned workman was engaged as seasonal Waterman at Regional Office Agra during Summer Season alone. His engagement used to come to an end automatically after expiry of summer season. In the summer season of 1991 the concerned workman did not report for duty himself. In any case a seasonal workman has got no right whatsoever to claim permanent job.

4 In the rejoinder, nothing new has been alleged.

5. There is evidence of Rishi Kumar MW-1 in which he has stated that he was appointed as water boy-cum-chanrasi and he continuously worked from 1-6-1982 to 5-6-90. When he raised claim for permanency he was removed from service. In this cross-examination he has stated that he used to be engaged in every summer season. His engagement used to be between March and September every year. Apart from this whenever any permanent person used to go on leave he was engaged in leave vacancy.

6. On the basis of above evidence my findings is that concerned workman had not continuously worked between 1982 and 1990. Instead during this period he had worked in summer season or in leave vacancies. In my opinion in a case of person who works as seasonal worker or is engaged in leave vacancies has got no right whatsoever under Section 25 F, G and H of I. D. Act.

7. Consequently my award is that termination of the concerned workman after expiry of summer season is not bad and that he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

कांअं 2922.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एल-12012/135/90-आई० आर० (बी० II)]

सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 20-10-1997.

[No. L-12012/135/90-IR (B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 118 of 1996

#### BETWEEN

In the matter of dispute :

Krishna Kumar Pal  
Village Bakhu Nevada  
Post Uttaripura District Kanpur.

#### AND

Regional Manager  
Central Bank of India  
Pandu Nagar, Kanpur.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/135/90-I.R. (B-II) dated 2-12-1996, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Central Bank of India, Regional Office, Kanpur, in terminating the services of Sri Krishna Kumar Pal, Peon-cum-Watchman on daily wages basis w.e.f. 16-3-89 is legal and justified? If not, to what relief the workman is entitled?”

2. The case of the concerned workman Krishna Kumar Pal is that he was engaged as a peon-cum-watchman on 23-4-86 by the opposite party Central Bank of India at Uttaripura Branch Kanpur. He worked for 209 days in the year 1986, for 288 days in the year 1987 and 62 days in the year 1989 till 16-3-89. His services were illegally terminated w.e.f. 16-3-89, in utter breach of provisions of Section 25-F I. D. Act as in one year preceding the date of his termination he had completed 323 days. Earlier he had raised industrial dispute in 1989 but the same was refused. Thereafter, he applied under Section 33-C-2 of I. D. Act which too was rejected. Thereafter yet again he approached the Government of India and consequently this reference has been made.

3. The opposite party has filed reply in which it is alleged that the concerned workman was engaged as a Generator Operator. He was not engaged as a peon. In all he had worked for 40 days in the year 1986, for 17 days in the year 1987 and for 28 days in the year 1988. He did not work beyond 7-12-88 at all.

4. In the rejoinder it is denied that the concerned workman was engaged as Generator Operator and that he had not completed 240 days.

5. Workman has filed Ext. W-1 to W-5, whereas management has filed Ext. M-1 to M-51 payment vouchers besides Krishna Kumar Pal K. K. Pal has been examined, whereas K. N. Kushwaha Manager of the Bank has been examined as MW-1.

6. The concerned workman I. K. Pal WW-1 has stated that he was engaged as peon and notice pay and retrenchment compensation was not given to him. He had continuously worked from 23-4-86 to 16-3-89. In his cross-examination he has denied that he was engaged as casual labour. However, he was not given any appointment letter or termination letter. He has not disputed the genuineness of vouchers Ext. M-1 to M-51 through which payments were made. On the other hand K. N. Kushwaha MW-1 has stated that concerned workman did not work continuously. Sometimes he was called to supply water. In his cross-examination he was admitted that he has not seen the record of the concerned workman. From this it is obvious that he has got no personal knowledge about the status and number of working days of the concerned workman. In any case, the version of the management that the concerned workman was engaged as Generator Operator is not proved. Rather it is belied. On the other hand the version of the concerned workman is consistent and is based on his personal knowledge. Still the joint inspection note Ext. W-5 would go to show that the concerned workman was made payments for cleaning office, supplying water etc., which is connection with the duties of a peon. The opposite party bank has also not come with any case that there are already peons working at this branch. Had it been proved it would have been belied the version of the concerned workman about his case of a peon. Hence, I accept the version of the concerned workman and hold that he had worked as peon. From joint inspection it is also proved that the concerned workman had worked even beyond from 7-12-88 as alleged by the management. Instead he has worked in the year 1989. Further it is revealed from this inspection note that he had completed for more than 240 days preceding his termination. In view of this documentary evidence I believe the evidence of the concerned workman K. K. Pal WW-1 and disbelieve the version of K. N. Kushwaha MW-1 and hold that the concerned workman had completed 240 days prior to his termination. Admittedly no retrenchment compensation and notice pay was given to him, hence this termination is bad being in breach of provisions of Section 25-F of I. D. Act.

7. Accordingly, my award is that termination of concerned workman is bad in law and he will be entitled for reinstatement but without back wages because of delayed reference.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

कांअं 2923.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबन्धतन्त्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[संख्या एल-12012/211/88 आई० आर० (बी० II)]

सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workmen, which was received by the Central Government on 20-10-1997.

[No. L-12012/211/88-D.IIA/IR (B-II)]

SANATAN, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated the Friday the 10th day of October, 1997.

#### PRESENT :

Shri K. Mohanachandran, B.Sc., B.L., D.L.,  
A.L. Presiding Officer.

Central Reference No. 54/88

#### I Party

N. R. Dhananjayan.  
Shri Sai Nivas,  
9th cross, 5th main  
Gnganahalli,  
Bangalore—560 032.

Vs.

#### II Party

M/s. Indian Overseas Bank,  
10/1, Lakshminarayan,  
Complex, Palace Road,  
Post Box No. 3765,  
762, Annasalai,  
Madras—600 002.

#### AWARD

In this reference made by the Honourable Central Government under its order No. L-12012/211/88-D. II (A), dated 14-9-1988 the point for adjudication is framed as follows :—

“Whether the action of the management of Indian Overseas Bank in dismissing from service Shri N. R. Dhananjayan is justified? If not, to what relief is the workman entitled?”

(2) The (concised) averments of the 1st party in his claim statement are as follows :—

The 1st party joined the services of the 2nd party as Godown keeper with effect from 10-1-1973. Though he was due for his promotion during December, 1985, the promotion order was not issued on the alleged ground that the disciplinary proceedings were pending against him. The 1st party was working sincerely and loyally to the satisfaction of his superiors. But he was dismissed from service as per letter dated 8-12-1986 in pursuance of charge sheet dated 16-11-1985 and additional charge sheet dated 18-11-1986. After the receipt of the charge sheets the 1st party sent suitable reply and denied the charges and requested the 2nd party to hold an enquiry. Thereafter, the 1st party was informed by notice of enquiry dated 26-2-1986 about the place and date of enquiry. The enquiry was started on 17-3-1986. The charge sheets issued had not contained the material particulars and the allegations are totally vague. The charge sheets are not accompanied with list of witnesses and list of documents. Appointment of Enquiry Officer Shri K. Madava Rao was not informed to the 1st party. The Enquiry Officer did not conduct the enquiry in accordance with law and principles of natural justice. No Presenting Officer was appointed to conduct the enquiry. Hence, the Enquiry Officer played the role of a prosecutor as well as a Judge which is contrary to the principle of natural justice. The enquiry was not conducted properly and adequate opportunity was denied. Copies of the documents filed by the 2nd party were not furnished to the 1st party. The Enquiry Officer had put searching question to the prosecution witnesses to fillup the lacunae. The Enquiry Officer had also put many leading questions to the management witnesses. The Enquiry Officer was biased hence the entire enquiry had to be held as invalid. The 1st party was not examined himself as witness but his statement was recorded by the Enquiry Officer by putting number of questions in favour of the management. Then the Enquiry Officer had given a finding which is totally perverse. The disciplinary proceedings has not been initiated by the competent authority. The Enquiry Officer who had issued the charge sheets had conducted the entire enquiry. Further the dismissal order passed by the incompetent authority namely the Enquiry Officer is not valid under law. The dismissal order was not communicated to the 1st party. The 1st party had preferred an appeal to the Appellate Authority. But without considering the various grounds urged in the appeal the Appellate Authority had dismissed the appeal. The dismissal of the 1st party by the 2nd party is a clear case of victimisation and unfair labour practice. Therefore, industrial dispute was raised and accordingly the case was registered. Hence, it is prayed that this Tribunal has to pass an order by setting aside an order of dismissal passed against the 1st party and order for reinstatement with consequential benefits.

(3) The (brief) allegations of the 2nd party in their written statement are as follows :—

The 2nd party had issued two charge-sheets dated 16-11-1985 and 18-11-1986 against the 1st party for misappropriation of a total amount of Rs. 5,190/-. The charge sheets were elaborate and

annexures were given to the charge-sheet enabling the 1st party to understand the charges. The 1st party replied to both the charge-sheets as per his letter dated 1-2-1986 denying all the charges. Since the explanation submitted by the 1st party was not satisfactory, 2nd party had ordered an enquiry into the charges levelled against the 1st party. One Mr. Madava Rao was duly appointed as Enquiry Officer as per Bipartite settlement. He has conducted the enquiry in accordance with law and principles of natural justice. As per bipartite memorandum dated 31-10-1979. In the enquiry the 1st party was given all the reasonable opportunities pertaining to the case. The Disciplinary Authority himself can conduct the enquiry. Conducting enquiry by an Enquiry Officer without any Presenting Officer is well merited under the Bipartite settlement. Presenting Officer need not be appointed in all cases. The Enquiry Officer can act as a prosecutor. List of witnesses and documents were sent to the 1st party as per letter dated 26-2-1986. The Enquiry Officer is entitled to put questions to witnesses to find out the truth accordingly the Enquiry Officer had put some questions to the witnesses by way of clarification. The statement of the 1st party was properly, recorded by the Enquiry Officer. After the proper enquiry the Enquiry Officer has given his finding and found the 1st party guilty of charges. After considering the entire records and the findings of the Enquiry Officer the Disciplinary Authority had dismissed the 1st party from the service which is justified and could not be interfered by this Tribunal. After considering the evidence on record and written summing up given by the defence representatives, the Disciplinary Authority had issued show-cause notice dated 13-11-1986 including the copy of the findings and sought for explanation from the 1st party regarding the punishment. The 1st party was also given the personal hearing on 8-12-1986. The 1st party neither responded to the show-cause notice nor appeared for the show-cause hearing dated 8-12-1986 even though the said show-cause notice was acknowledged by him on 29-11-1986.

Then the Disciplinary Authority had passed an order dated 8-12-1986 and confirmed the Punishment proposed in the show-cause notice and accordingly awarded the punishment of dismissal without any notice. The promotion of the 1st party was not at all delayed due to the pending proceedings. It is denied that the 1st party was working sincerely and loyally to the utmost satisfaction of the superiors. The 1st party also preferred an appeal on 5-1-1987 but it was dismissed by the Appellate Authority. The 1st party misappropriated loan instalment tendered by the poor borrowers under benevolent scheme of Government of India for remittance into their respective loan accounts. The act committed by the 1st party cannot be construed as lesser in gravity. Under any circumstances the punishment of dismissal is well merited and based on the gravity of the misconduct committed by the 1st party and after due consideration of all relevant factors including his past records. Therefore, it is prayed that this reference has to be rejected.

(4) On the basis of the above said pleadings my learned predecessor (Sri Lalge) had framed the following preliminary issue :—

“Whether the 2nd party proved that the domestic enquiry held by it is in accordance with law ?”

He also passed an order, after examining the witnesses during the enquiry conducted by him, holding that the domestic enquiry was conducted in accordance with law. Subsequently arguments of both the parties heard by me, as none of the parties had examined any more witnesses, but agreed for argument on merits. Hence, we have to consider the entire evidence and other relevant records to find whether the question of perversity of the findings of the Enquiry Officer and as to whether the punishment given by the 2nd party to the 1st party namely dismissal from service is justified and proportionate to the alleged misconduct as per the charges framed against the 1st party, under section 11-A of the Industrial Dispute Act.

(5) In their written argument, at para 1, the 1st party had stated that the management had examined only few witnesses though several other names had found in their witness list. According to the 1st party nearly about 10 witnesses had not been examined and hence the management could not claim that the charge levelled against the 1st party had been proved. But, I fail to see any substance in the said argument. It is well settled principle, that proof of a fact cannot be based on quantity of the witnesses but only on the quality of the witness. Therefore, it is for the management to select the witnesses in their own way. Hence, now we have to see as to whether the management had proved the charges levelled against the 1st party through the witnesses examined by them. As it can be seen from the records to prove their case apart from the MWs 1 to 16, during the domestic enquiry, the management, also examined the Enquiry Officer himself as MW1 before this Tribunal.

(6) As I stated above, this Tribunal had, after considering elaborately examining all the evidence on record and other records, found that the domestic enquiry was held against the 1st party in accordance with rules and principles of natural justice. That apart, the Honourable High Court of Karnataka also in two writ petitions Nos. 3103/89 and 17135/89 filed by the 1st party had not interfered in the above said findings of this Tribunal regarding the preliminary issue and those writ petitions ultimately were dismissed. Therefore, I am of the view that for passing final orders all the evidence on record together with the relevant materials must be looked into.

(7) As per the 1st charge-sheet dated 16-11-1985 Ex.W1, it is the case of the management that the 1st party while working as a Cashier at Kondalahalli Branch of the 2nd party Bank, he had received various amounts on various dates for a total sum of Rs. 5,190 from several borrowers of the branch and though he had acknowledged those amount in the cards of the counterfoils given to the concern

borrowers but failed to credit the said amounts in their respective accounts of the borrowers and thus he has misappropriated as per Annexure 'A' and 'B' a total sum of Rs. 5190. According to the additional charge-sheet dated 18-11-1985 Ex. W2, which deals with the another form of misappropriation as specified in Annexure 'A' and 'B'. To prove the above said charges the management had examined MWs 1 to 16 and marked the documents Exs. ME1 to ME 148 before the Enquiry Officer who had been examined before this Tribunal as MW1. The said Enquiry Officer had explained before this Tribunal about the procedure he adopted during the domestic enquiry and through him the 2nd party had marked Exs. M1 to M19 before this Tribunal. He had also given his findings Ex. M-19 holding that the charges were proved. As I said supra in its order on preliminary point, this Tribunal had held that the said domestic enquiry was proper and valid. Further the Manager of the Bank wherein the 1st party was working during the relevant period had deposed as MW1 before the Enquiry Officer that when he had inspected in the month of August 1985 regarding small loans he had found the act of misappropriation of the 1st party.

(8) In detail, the MW1 had stated before the Enquiry Officer that at the time of his inspection of relevant records in the said branch, he found various acts of misappropriation committed by the 1st party. He had spoken about the exhibit Ex. ME3 in which one of the acts of misappropriation has been explained. Ex. ME3 (Marked before the Enquiry Officer) would show that one consumer Sri Kuruboraiah had explained about the misappropriation of a sum of Rs. 1,500. The MW1 deposed that the 1st party Sri. Dhananjayan had given a letter dated 21-2-1985 (i.e. Ex.M4) in which the 1st party though admitted that the above said Sri. Kuruboraiah had paid Rs. 1,500 to him, but he claimed that the said amount was given only for "his sake". But MW14 (Sri. Kuruboraiah) before Enquiry Officer had not supported the above said version of the 1st party in Ex. M-4.

(9) According to the said MW14, as he was requested by the 1st party to sign in the withdrawal slip Ex. ME6 (marked before the Enquiry Officer) without knowing the contents and consequences the MW14 had signed and given the said slip to the 1st party. The said withdrawal slip Ex. ME-6 would show that the amount of Rs. 1,500 under the slip Ex. M-6 had been drawn. So it is clear that when the 1st party stated in his statement Ex. M4 that the MW14 Sri Kuruboraiah had given the said amount Rs. 1,500 and for which alone he had given withdrawal slip (Ex. ME6) but the said Sri. Kuruboraiah had not admitted the same, the defence representative had not elicited anything pertaining to the circumstances under which Ex. ME-6 had been obtained by the 1st party from the MW14. Not even any suggestion was put either to the MW1 or MW14 on the above said version of the 1st party. Therefore, the evidence of MW1 clubbed with the evidence of MW14 and admission made by the 1st party in Ex. ME-4 together with the withdrawal slip namely Ex. ME-6 would totally prove that the item No. 2 in the additional

charge Ex. W-2 namely the 1st party had withdrawn a sum of Rs. 1500 from the credit account of the said consumer Sri Kuruboraiah without his knowledge. That is why the Enquiry Officer after verifying those records had come to the proper conclusion on the prima facie materials which was placed before him that item No. 2 of the additional charge had been proved by the management which is based on the complaint of Sri Kuruboraiah dated 6-10-1985 marked as Ex. ME-5, (before the Enquiry Officer).

(10) Further, before the Enquiry Officer another Manager namely Sri. P. M. Marugal Branch Manager was examined as Ex. MW2. He had deposed about the facts pertaining to the allegations in the Ex. W-1 main charge-sheet and additional charges Ex. W2 which is nothing but a coverage of all the averments of Ex. W1 apart from fresh allegations. MW2 disclosed about the complaints of one consumer Sri. G. Thimmappa who had availed a small loan facilities. He deposed that though Sri. G. Thimmappa had repaid a sum of Rs. 300 on 31-7-1988 it was not credited but the consumer card Ex. ME7 contained the relevant entry written by the 1st party—His evidence had been corroborated by the said consumer Sri. G. Thimmappa who has been examined as MW11 before the Enquiry Officer. The said MW11 Sri. G. Thimmappa had deposed that he had paid Rs. 300 through the 1st party Sri. M. R. Dhananjayan on 31-7-1988 towards the loan availed by him but the credit was not given by the 1st party. He further, deposed that he had given a letter Ex. ME33 which corroborates the evidence of MWs-2 and 11 regarding the said payment of Rs. 300 to 1st party. Therefore, it is clear the misappropriation of Rs. 300 paid by MW-11 has been proved with proper materials.

(11) Again the MW2 gave evidence about the misappropriation of Rs. 200 paid by another borrower Smt. Girijamma. His evidence show that the payment of Rs. 200 was not given credit by the 1st party. He further disclosed that on the day of his inspection when he was about to verify with the relevant card through Assistant Accountant, the 1st party had torned the said card into pieces, but the Assistant Accountant had collected those mutilated pieces of the card and pasted properly which had been marked before the Enquiry Officer as Ex. ME8 and the relevant fresh card was marked as Ex. ME9. Further evidence of MW2 goes to show that on verification of the account he had also found that the said amount has not been given credit by the 1st party.

(12) Then the MW-2 spoke about the remittance of a total sum of Rs. 250 by another borrower Sri Abdul Razak whose card have been marked as Ex. ME12 and the four vouchers for the said customer were marked as Exs. ME12 to ME16 respectively for a total sum of Rs. 250. While explaining the irregularities committed by the 1st party regarding the payment of said customer Sri Abdul Razak, the MW2 had stated that while he was verifying the relevant accounts he found that though the card Ex. ME-12 disclosed the receipt of the amount but it was not given credit on the same day but on different

dates as per the vouchers Exs. ME13 to ME 16. So, it is clear that the temporary misappropriation of the 1st party had been proved by the MW2 through his oral and document evidence. Likewise the MW2 had also spoken about amounts paid by various customers namely Smt. Pullamma for Rs. 200 whose card was marked as Ex. ME17, Shekarappa under card Ex. ME18, Eranna as per his card Ex. ME19 Kavitha for her card Ex. ME-20, Basappa's card Ex. ME-21 and Abdul Ghani towards his card Ex. ME-22. The four vouchers belonging to Smt. Pullamma has been marked as Exs. ME 23 to ME 26 regarding Sri Basappa two vouchers had been marked as Exs. ME 27 and ME 28 and Sri Abdul Ghani's one voucher has been marked as Exs. ME 29. He further, marked the loan card of Sri Magadda Honnurappa as Ex. ME 30 for remittance of Rs. 200 under vouchers Exs. ME 30 and ME 31.

(13) The MW2 further marked card of one Smt Uddada Palamma as Ex. ME31 and deposed that the amount paid by the said customer had not been brought to the bank account by the 1st party. He asserts that the relevant entries of the above said consumer cards had been written only by the 1st party Sri Dhananjayan. He ascertained versions, would show that though the relevant entries of the consumers under the said cards had been made by the 1st party after receiving the relevant amount from the concerned consumers, the 1st party had not accounted those amount in the relevant account books on the day itself but it was accounted on various different later dated as detailed under the above said respective vouchers. Those particulars are clearly specified to the 1st party as annexed A and B along with main charge sheet Ex. W-1 and as annexure A-1 and B-1 along with additional chargesheet Ex. W2. As I said earlier, the additional charge-sheet Ex. W2 is nothing but coverage of all the charges specified in the main charges together with some more additional charges. Therefore, it is clear that the 2nd party had clearly specified to the 1st party about all the particulars of allegations about the irregularities committed by the 1st party. But inspite of those particulars given to him and oral evidence given by MW1 and MW2 the defence representative was unable to shake the concrete versions of those management witness 1 and 2 against the 1st party, inspite of the lengthy cross examination made by the representative of the 1st party. Even in cross examination MW1 and MW2 had strongly confirmed what they had deposed in chief examination based on the records. So it is clear that the evidence of MW2 would clearly prove with proper corroboration of MW1, that the 1st party had misappropriated those amounts received from the said various customers which is contrary to the rules and amounts to be a misconduct. That apart MW2 also corroborated the evidence of MW1 about the misappropriation of Rs. 1500 by the 1st party being the amount of a consumer Sri Kariboraiiah in his cross examination.

(14) Next witness who had spoken about the further irregularities committed by the 1st party could

be MW3 before the Enquiry Officer is one Sri T. S. Nagaraja Rao who also investigated the matter of misappropriation of the 1st party under the superiors direction. He had corroborated evidence of MW2 about the amount paid by Shri G. Thimmappa, Smt. Girijamma and Shri Abdul Razak as detailed above. He had also deposed that the above said amount were received by the 1st party and the relevant entries had not been entered into by the 1st party in their respective account books. That apart he had also marked letters given by Sri G. Thimmappa as Ex-ME 33 and by Smt. Girijamma as Ex. ME34.

(15) Further he had also stated about the payments of another consumer Sri S. Eliyas Khan whose payment of Rs. 180 based on his card Ex. ME35 has not been properly and timely accounted for by the 1st party about which the said consumer had also given a letter Ex. ME36. The same Sri. S. Eliyas Khan had also given another letter Ex. ME 37 about his another payment made on 2-11-85. MW3 had also marked letter given by another consumer Shri Honour Khan as Ex. ME39 which speaks about the payment of Rs. 200 under the consumer card Ex. ME38 but remitted belatedly under Ex. ME40 voucher. He also spoken about the belated remittance made by the 1st party on various vouchers Exs. ME41 to ME47 though those payments have been received by the 1st party earlier.

(16) Again MW3 further deposed about the irregularities committed by the 1st party about the payment made by another consumer Sri Basappa whose card was marked as Ex. ME48 and a letter of the said consumer as Ex. ME49. His voucher Ex. ME50 would show the belated remittance made by the 1st party to prove his temporary misappropriation.

(17) He again deposed about the irregularities committed by the 1st party by remitting the consumer amount of Rs. 450 paid by one consumer Sri Sharif Khan under his card Ex. ME51 belatedly. The said consumer had also given his letter Ex. ME53 along with voucher dated 22-8-85 without any signature. The evidence of MW3 further goes to show that though another consumer Sri Karasagara siddappa made a payment of Rs. 600 towards remittance on 27-6-85 under its card Ex. ME-54 the 1st party had remitted the said amount belatedly and the said consumer had also given his letter Ex. ME55 and the relevant cash voucher is Ex. ME56. According to the evidence of MW3 though another consumer Sri Ramchandrapanna had paid a sum of Rs. 150 on 1-7-1985 under his card Ex. ME-47 the actual payment was made by the 1st party Ex. ME58 about which the said consumer had given a letter dated 11-9-1985 and marked as Ex. ME59. The said witness further clarified that as per Ex. ME69 amount of Rs. 150 paid by the consumer under the card Ex. ME60 was accounted for by the 1st party belatedly. The relevant voucher is Ex. ME61 about which the said consumer had given his letter is Ex. ME61.

(18) Another payment made by one consumer Sri A.S. Sridhara Shetty had sent letter dated 19-10-1985 Ex. ME-63. His payments are noted in a small pocket



note book Ex. ME62. But the said amounts were not properly accounted for and the 1st party had issued another new card Ex. ME64 for those payments. Likewise the MW3 is going on explaining about the irregularities committed by 1st party pertaining to the remittance amount paid by the various consumers (viz.) Sri Kote Hanumanthappa for Rs. 600 under his card Ex. ME 65 and the relevant voucher is Ex. ME66, Sri. Ghani Saheb for Rs. 250 under its card. Ex. ME57 and voucher are Exs. ME68 and 69, another amount of Rs. 300 paid by one Sri Shariff Khan under the card Ex. ME-70 and voucher Ex. ME-71 yet another consumer Sri P.B. Basavarajaiah under consumer card Ex. ME72 for Rs. 150 under the relevant voucher Ex. ME73, and Smt. Hamsamma for Rs. 100 under the card Ex. ME 74 and voucher Ex. ME75 for Rs. 100.

(19) On his lengthy chief examination of MW3 continued to speak about irregularities committed by the 1st party towards the belated remittance of amount paid by many consumer borrowers. The MW3 further explained about another consumer (i.e.) Sri Angadi Obanna under his card Ex. ME76 though paid Rs. 150 but it was accounted by the 1st party belatedly as per the vouchers Exs. MEs 77 to 79. The remittance of Rs. 500 paid by another consumer Shri Laxminarayana under his card Ex. ME80 but as per vouchers Exs. MEs 81 and 82 it was given credit belatedly.

(20) The MW3 further deposed that another consumer Sri K. Lingappa though remitted a sum of Rs. 100 under his card Ex. ME 83 it was accounted belatedly by the 1st party under voucher Ex. ME84. Likewise he also explained about the irregularities committed by 1st party towards the payment of Sri K.A. Shankarappa under his card Ex. ME85 for a payment of Rs. 100 and belated entry in the account book as per his voucher Ex. ME86. Payment of Sri B. Chandranna for his card Ex. ME87 though paid Rs. 300 earlier it was lately entered in the account under voucher Ex. ME88 and for Rs. 400 under voucher Ex. ME89 and another payment of Rs. 300 under voucher Ex. ME90, all the said payments were made by the same consumer under his card Ex. ME87. Two payments of a sum of Rs. 200 each made by another borrower Shri Angadi Eshwarappa under his card Ex. ME91 were accounted belatedly by the 1st party under vouchers Ex. ME92 and ME93. Likewise another consumer Sri M. Sved Hayath though paid Rs. 200 under his card Ex. ME 94 it was brought into account belatedly under the voucher Ex. ME95. Another payment of Rs. 150 made by the borrower Sri G. Basanna for his card Ex. ME 96 though made earlier but was brought into the account belatedly under Ex. ME97 voucher.

(21) MW3 was further going on explaining before Presenting Officer about the payment of Rs. 500 made by Sri M. Javappa under his consumer card Ex. ME98, Sri V. N. Narasimhanna payment of Rs. 100 under his card Ex. ME100 and another borrower Sri M. T. Nagaraju for a payment of Rs. 250 under his card Ex. ME102 accounted belatedly under

their respective vouchers Exs. ME99, 101 and 103. Likewise the payments of Rs. 500 made by another borrower Sri G. Nagaraja under is card Ex. ME 104. Smt. K. Gowramma for Rs. 100 under his card Ex. ME106 were belatedly brought into account by the 1st party under their respective vouchers Exs. ME105 and 107. The ME3 further asserts that there is no difference of dates between the ledger account and vouchers but remittance into Bank was made belatedly by the 1st party under the above said vouchers.

(22) MW-3 further explained about some more irregularities committed by the 1st party by belated entry in the concern accounts for the loan card Ex. ME108 and as per voucher Ex. ME109. The MW3 further says that the payments of Sri Hanumanthappa for Rs. 300 under his card Ex. ME110 Smt. Subbamma under her card Ex. ME111 for Rs. 100 Sri Doddathippaiah for payment of Rs. 100 under his card Ex. ME112. The payments of Rs. 212.30ps. and subsequent payments of Rs. 100, 100, 200, and Rs. 312 were belatedly remitted and accordingly entered in the respective accounts by the 1st party. The relevant card is Ex. ME113 and vouchers to show belated remittance were marked as Exs. ME114 to 118. The card Ex. ME119 was marked through MW3 to show the payment of Rs. 200 by another consumer Sri H Nagaraju and for belated remittance under the relevant voucher Ex. ME120. Likewise the payment of Rs. 230—80 made by Sri Thippesamy under his card Ex. ME121 remitted later under the voucher Ex. ME122. Sri Bheemappa paid Rs. 200 under his card Ex. ME123 and belated remittance under voucher Ex. ME124, Sri K. Dasappa Rs. 200 under his card Ex. ME125 entered belatedly. Sri V.L. Krishnappa Rs. 100 under his card Ex. ME126, the card Ex. ME127 belongs to another customer Sri Thippesamy for Rs. 150 and belated remittance shown under voucher Ex. ME-128. Payment of another consumer Sri B.P. Ramappa for Rs. 300 under card Ex. ME129 and belated remittance under voucher Ex. ME130. Card belonging to Sri Hanumanthappa would show the payment of Rs. 160 as per Ex. ME131 but belated entry under voucher Ex. ME132. Smt. Shankamma for her card Ex. ME133 paid Rs. 150 but remitted belatedly under the voucher Ex. ME134, and Sri Doddasharanappa paid Rs. 100 under card Ex. ME135 but remittance was made belatedly under voucher Ex. ME136.

23. Further the evidence of MW3 goes to show about payment of Rs. 100 made by Sri Addappanavara under card Ex. ME 137 belatedly remitted under Ex. ME 138 voucher, Sri L. Channabasappa's payment of Rs. 150 as per card Ex. ME 139 remitted lately under the voucher Ex. ME 140. MW3 strongly asserted that out of the above said cards and vouchers except for Rs. 150 paid by under a consumer card No. 57/82 Ex. ME-109, entries in the all other consumer cards and vouchers have been prepared and signed by the 1st party Sri Danappaiah. He further produced the vouchers of Sri M. Doddathippaiah for Rs. 100, Sri Hanumanthappa for Rs. 300 Sri S. Sivas Khan for Rs. 130, Sri Kara Oballanna for Rs. 150 Sri. Thippesamy for Rs. 200, Sri. R. Ramachandrapa for Rs. 150 and Smt. Subbamma for Rs. 100 and those



vouchers have been marked as Exs. ME 141 to 147 respectively.

24. The above said oral and documentary evidence placed by the MW3 would clearly show the acts of misappropriation committed by the 1st party during his chief examination. But the said evidence had not been contravened by any mode either during cross examination or through any other witnesses. Therefore, the materials placed before the Enquiry Officer by MW3 are not only prima facie but also strong proof to show that the 1st party had misappropriated the amount paid by various customers though not permanently but temporarily for some period. But unfortunately for the 1st party, such misconduct (viz) temporary misappropriation will not show any difference to find guilt under the charges levelled against him. Therefore I am of the opinion that as detailed above, entire evidence of MWs-1 to 3 proved through the relevant and exhibited records that the 1st party had committed a severe misconduct by committing temporary misappropriation of the amount belonging to a public institution (viz) 2nd party Bank paid by the customers of the 2nd party Bank.

25. Apart from the concrete evidence placed by the above said MWs 1 to 3 some of the relevant consumers also corroborated the misconduct. Sri B. P. Bheemappa (i.e.) the MW-4 who had spoken and corroborated the evidence of MW3 about his letter dated 24-8-85 Ex. ME 49 pertaining to his loan card Ex. ME 48 and disclosed the said misconduct of Sri. Dananjayan for his payment of Rs. 300. He strongly confirmed his versions in the cross examination also. Again another customer Smt. T. Girijamma who gave a complaint letter dated 24-8-85 Ex. ME34 deposed as MW5 about her payment of Rs. 200 and above said, mutilated card Ex. ME8. The MW6 Sri. Devendrappa explained about his letter dated 11-9-85 Ex. ME61 and proved its contents which discloses some of the misdoings committed by the 1st party. The another consumer Sri Eliyas Khan as MW-7 and Sri Sharif Khan as MW-8 also gave evidence about their respective complaint letters dated 21-8-1985 and 22-8-1985 Ex. ME-52 and explained some allegations against Shri Dananjayan about his misappropriation.

26. Again Sri. Honna Khan the MW9 speaks about Ex. ME39 his letter dated 23-8-85 and discloses about the payment of Rs. 300 and act of misappropriation committed by the 1st party for the said payment. Likewise Sri. B. T. Nagappa, the MW10, who had given a letter dated 24-8-85 Ex. ME42 and Sri. G. Thimmappa MW11, spoken about his letter dated 21-8-85 Ex. ME33 and disclosed about the payments through which the 1st party had again committed misappropriation. Sri. R. Ramachandrappa MW12 spoken about his letter dated 11-9-85 and his another letter dated 1-3-85 Ex. ME59. Sri. K. Siddappa MW13 spoken about his letter dated 7-9-85 Ex. ME55. Sri. Kurihoraiah MW14 spoken about his two letters 29-11-85 and 6-10-85 viz. Exs. ME3 and 5 respectively and the further elaborates about his payment of Rs. 1500 under withdrawal slip Ex. ME6 about which MWs 1 and 2 had corroborated. The MW14 in his cross examination had ascertained what

he had stated in his chief examination. Again Sri. K. Sridhar MW-15, Sri. Shekarappa, MW-16 who had proved their respective letters dated 19-10-85 and Exs. ME63 and 148. The MW16 spoken about his payments of Rs. 200 to the 1st party but his original letter had not been marked but only photo copy of his letter dated 20-11-85 was marked as Ex. ME148. Hence it can be seen that, the above said witnesses (consumers) had corroborated the evidence of either of the MWs 1, 2 or 3 namely the officials who had investigated the misconduct of the 1st party. But neither his representative or the 1st party was not able to demolish their versions during their respective cross examinations. Hence, the above said corroborative versions of the relevant consumers (MWs 4 to 16) not only corroborated with the above said official witnesses and proved the misconduct committed by the 1st party but they (MWs 4 to 16) also established with sufficient evidence and proved the contents of their complaint letter given to the 2nd party. Therefore, as I observed earlier, allegations under charge-sheets must be proved with quality of evidence and not by quantity of evidence. In such circumstances, I fail to see any force in the written argument of the 1st party according to which since because the ten consumers specified by the 1st party in his written argument had not been examined it would be decided that the 2nd party had not proved the charges.

27. Further the 1st party also had examined on Sri. K. Dasappa as DW1 but though the evidence of DW1 disclosed about his loan of Rs. 1000 from the 2nd party and his repayment of Rs. 60 each in 20 instalments, it is in no way useful to the 1st party either to prove his defence or to disprove the charges. Hence, I find that only on prima facie materials Enquiry Officer has given his findings Ex. M-19.

28. It is again pointed out by the 1st party in his written argument that the consumer card could not be a valid evidence as those cards were not serially numbered. But the MW-3 had clearly explained about the practice prevailed in the Bank regarding the usage of the card and he further explained about the part played by the 1st party towards preparing and issuing of cards for the relevant consumer. But there was no effective cross examination on the part of 1st party regarding said point. Hence, I hold that the 1st party cannot dispute the genuineness of those exhibited consumers cards in their argument.

29. Further, it is stated in the written argument of the 1st party that during the domestic enquiry, the Enquiry Officer had not shown the relied consumer cards to the 1st party to confirm his signature in those cards and hence those cards cannot be accepted as a piece of evidence to prove the charges. But as I pointed out earlier, if we peruse the elaborate and entire oral evidence of MW3 it is clear that he without any embellishment confirmed that those exhibited consumer cards had been filled up and written only by the 1st party. That apart he had also stated that the 1st party being a clerk-cum-cashier used to keep empty new consumer cards with him for the purpose of issuance of the same to the concerned consumers. That evidence had not been contravened by the repre-

representative of the 1st party during the cross examination. As admitted even by the 1st party all the exhibited consumer cards had been marked during domestic enquiry in the presence of both the 1st party and his representative. In such circumstances it is for the 1st party to deny or contradict his signature during the cross examination of the concerned witness through whom those consumer cards had been marked. Hence, I find that the said argument on the side of the 1st party cannot hold good.

30. Again, though the charge-sheet Exs. W1 and W2 fix only some acts of misappropriation against the 1st party the witness namely MWs 1 to 16 examined on behalf of the management during the domestic enquiry had given full picture about so many instances wherein the 1st party had committed misappropriation of money which are payable to the 2nd party Bank. Therefore, I am unable to find any force in the argument of the 1st party stating that misappropriation of some amount shown under Ex. M4 and M7 had not been properly proved therefore the additional charge cannot be accepted as proved. But the evidence of MW2 and MW3 together with the evidence of Sri. Kariboraiah as MW14 to prove his letter Exs. 3 and 5 and withdrawal slip Ex. ME 6 would amply prove that the 1st party had misappropriated the sum of Rs. 1500 as shown under the additional charge-sheet Ex. W2. Exs. ME 3 and 4 are the averments with respective charge sheets Exs. W1 and W2 to show details of consumers together with the amount paid by them. Hence, it is clear that the act of misappropriation of the 1st party had been proved in accordance with details specified under Ex. ME 3 and 4 through corroborative evidence of MWs 1 to 16. Therefore, the argument shown in the paragraphs 4 to 8 placed by 1st party of his written argument cannot be accepted.

31. The learned counsel for the 2nd party argued that since the 1st party had not pleaded any victimisation and also not placed any proof about any act of victimisation by the 2nd party, the 1st party could not argue anything about the punishment under Section 11A of the Industrial Dispute Act. I find heavy force in the above said argument.

32. Because as relied on by the learned counsel for the 2nd party in AIR 1976 Supreme Court, Page 98 (M/s. Bharat Iron Works v. Bhagubhai Balubhai Patel and others) our Honourable Apex Court had given the following legal dictum. In the first Head note (under paras 3, 2, 1 of the said judgement) it is observed.

“Whether there is no defect in procedure in a domestic enquiry against an employee, the Tribunal, while granting or withholding permission under Section 33 does not sit as a court of appeal weighing or reappreciating the evidence for itself but only examines the finding of the Enquiry Officer on the evidence in the domestic enquiry as it is, in order to find out either whether there is a prima facie case or if the findings

are perverse. Extent of power of Tribunal to interfere with the order of dismissal as passed in domestic enquiry indicated”.

33. Again at para 9 of the said judgement it has been further observed as follows :

“victimisation is a serious charge by an employee against an employer, and therefore, it must be properly and adequately pleaded giving all particulars upon which the charge is based to enable the employer to fully meet them. The fact that there is a union espousing the cause of the employees in legitimate trade union activity and an employee is a member or active office-bearer thereof, is per se no crucial instance”.

Further at para 10 of the said judgement it has been further observed by as follows :

“The onus of establishing a plea of victimisation will be upon the person pleading it. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced”.....

The 1st party, in his claim petition mostly concentrated his mind only to attack the domestic enquiry conducted by the management. But on entire material, this Tribunal the question preliminary point on 19-6-89 negated the said plea of the 1st party. Further, as I observed supra my predecessor had given his finding that the domestic enquiry held by the management against the 1st party was in accordance with rules and natural justice. In such circumstances at this stage I am constrained to see whether the termination order passed by the 2nd party under Ex. ME19 dated 9-11-1987, and as spoken by the Enquiry Officer as MW-1 before this Tribunal, is liable for further scrutiny under Section 11A of the Industrial Dispute Act. But as the above said evidence both oral and documentary would clearly prove the severe charge of misconduct of the 1st party (viz.) misappropriation of money which has to be properly remitted to the Bank by the 1st party as cashier of the bank cannot be given sympathetic or lenient punishment as argued strongly by the learned counsel for the 2nd party.

The counsel for the 2nd party had further relied on 1994 (2) LLJ Page 332, 1995 (1) LLJ Page 233 and 1995 (1) LLJ Page 1076.

In the judgement 1994 (2) LLJ Page 332 between Gujarat Road Transport Corporation Vs Kachraji Motiji Parmar it has been observed as follows :

“Under Sec. 11-A of the Industrial Disputes Act the Industrial Tribunal or the Labour Court is not having unguided power to set aside

the justified order passed by the management. The power under Section 11-A has to be exercised judicially and the Industrial Tribunal or the Labour Court can interfere with the decision of the management under Sec. 11-A of the Act only when it is satisfied that the punishment imposed by the management is highly disproportionate to the degree of guilt of the workman concerned. This court has repeatedly held that misappropriation, if held established, would be a major misconduct and normally dismissal order passed by the competent authority should not be interfered with by the Labour Court or the "Misappropriation if held established, would obviously be a major misconduct and unless a very strong case is made out to interfere with the punishment, the Labour Court would not be justified ordinarily in interfering with the discretion of the competent authority to deal with the delinquent concerned. To say that these are hard days for the people to find out jobs or to say that the conductor is a man with a wife and children are the factor common to all cases, barring a few instances where the conductor is unmarried or having no children. This can hardly be a ground for any consideration. After all services with such public corporations are not pastured grounds always open for the people or they are not brought about for the purpose of furnishing employment to the unemployed in the society".

It has been held in the judgement 1995(1), Page 233 between Bank of India and D. Padmanabhadu and another that :

"The Bank is the custodian of the money of the customers and cashier is a person who deals with the money and he must be more diligent and honest and justify the trust reposed in him by the bank and by the customers. If once the customers lose the confidence in the dealings, the entire organisation suffers and confidence of the customers is the basis on which the entire edifice of the banking system is built. The learned judge has assigned the reason that the money misappropriated by the first respondent has been paid back to the customers and it is the amount of the customers and not of the bank. The learned judge has lost sight of the principle that the intentional temporary retention of the money which does not belong to a person is also a misappropriation. Mere repayment will not oblige the liability or the misconduct committed by the first respondent. When, once the money is put in bank by the customer, the bank owes a duty to repay and the reasoning that it is the money of the customer and not of the bank is a perverse reasoning".

It has been further clarified in the judgement 1995 (1) LLJ, Page 1076, between D. Padmanabhadu and Bank of India and another that :

... "Moreover, it is now well settled that once an enquiry is properly held and the management has thought it fit to pass an order of dismissal considering the nature and gravity of the act committed by the employee, it is not for the court including the Labour Court to interfere with such orders of the management. This being a case of misappropriation by a person who was holding the position of Accounts clerk in a bank it cannot be said that the bank had taken a wrong view of the matter and the punishment was unduly harsh".

37. The counsel for the 1st party not placed any authority to seek support of his argument nor any judgement to controvert the legal dictum formed by the above said Honourable Supreme and High Courts.

38. From the above authorities of both Honourable Supreme Court as well as Honourable High Court of Karnataka as cited by 2nd party it could be seen that when a proper proof had been placed by the management to prove the charges of misconduct namely misappropriation of money to the public institution like banking and when a Tribunal has given a positive finding about the domestic enquiry conducted by the 2nd party against 1st party. The Tribunal cannot show any sympathetic or no need to consider Section 11-A about the punishment. In such circumstances I am of the opinion that the 1st party is not entitled for any type of orders under Section 11-A of Industrial Dispute Act when considering the gravity of the proved misconduct of the 1st party. Hence, I find that the charges levelled against 1st party had been amply proved with sufficient materials. I answer the reference accordingly.

#### AWARD

In the result an Award is passed to the effect that the action of the management of Indian Overseas Bank in dismissing Shri N. R. Dananjayan from service is justified and that he is not entitled to any relief.

K. MOHANACHANDRAN, Presiding Officer.

नई दिल्ली, 21 अक्तूबर, 1997

का.आ. 2924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतन्त्र के सम्बन्ध में निोजकों और उनके कर्मचारों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं. एल-12012/227/89-आई. एम. आर. बी. 11]

सनातन, हेतु अधिकारी

New Delhi, the 21st October, 1997

S.O. 2934.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 20-10-97.

(No. L-12012/227/89-IR(B-II))

SANATAN, Desk Officer

बीकानेर/स्थापना/1177

श्री ग्याम जी मिश्र

चपरासी सह फर्रास

इलाहाबाद बैंक,

ईसानगर

प्रिय महोदय,

भारोप पत्र सह निलम्बन आदेश

हमें ज्ञात हुआ है कि हमारी सीतापुर शाखा में श्रीमती सरोज धर्मपत्नी श्री राम जी मिश्र के बचत खाता संख्या 3655/19 में किये गये लेनदेन में आप बृहत् रूप से लिप्त रहे हैं। उपरोक्त बचत खाता दिनांक 27-7-1976 को बैंक की सीतापुर शाखा में खोला गया था तथा जून 1983 को उसमें साधारण लेन-देन किया जाता रहा है। श्रीमती सरोज आपके बड़े भाई, श्री रामजी मिश्र की पत्नी हैं। अतः नवम्बर 1983 में आपके सीतापुर शाखा में स्थानान्तरण के उपरान्त इस खाते में लयभंग समस्त लेन-देन आपके ही द्वारा किये जाते रहे हैं।

दिनांक 21-12-84 को श्रीमती सरोज के उपर्युक्त बचत खाते से एक भुगतान संख्या रु. 10000/- (रुपये दस हजार मात्र) का हमारी सीतापुर शाखा द्वारा किया गया किसी की नाम प्रविष्टि श्रीमती सरोज के बचत खातों में न होने के कारण सम्बन्धित खाता में अवशेष राशि बैलेंस रु. 10000/- के भुगतान के उपरान्त भी अपरिवर्तित रही। दिनांक 10-1-85 को इसी बचत खाता में रु. 3000/- का एक अन्य भुगतान प्राप्त करते समय आपको यह ज्ञात हुआ कि दिनांक 21-12-1984 को निष्काली गयी रु. 10000/- की राशि की नाम प्रविष्टि डेबिट एन्ट्री खाता में अंकित नहीं की गयी है और जिसके कारण अवशेष राशि का बदनीयता से आपने दिनांक 21-12-84 को हुए रु. 10000/- के भुगतान से संबंधित निम्नलिखित प्रवेश बैंक के अभिलेखों में से गायब कर दिये और उनको नष्ट कर दिया।

1. भुगतान का वाउचर।

2. कैशियर पैमेंट बुक पेज 49 जिसमें भुगतान पाने वालों का विवरण लिखा था।

3. कैशबुक पृष्ठ 155/156 बचत खाता संख्या 1 से 20।

4. टोकन बुक।

5. केश बुक—दिनांक 21-12-84

इसके प्रतिरिक्त रु. 10000/- के भुगतान संबंधी समस्त सूखों को नष्ट करने के उद्देश्य से उपरोक्त प्रलेखों के प्रतिरिक्त निम्नलिखित प्रलेख भी बैंक के अभिलेखों से निकालकर गायब किये और उनको नष्ट कर दिया।

1. ब्रांच डेबिट दिनांक 15-12-84 से 31-12-86

2. जनरल लेजर पृष्ठ संख्या 34 से 37 तक।

आपके उपरोक्त कृत्य प्रथम द्विपक्षीय समझौता दिनांक 10-10-1986 (यथापरिवर्तित) के अनुच्छेद 19-5(डी) एवं 19.5(जे) के अन्तर्गत और पुराबरण है।

आप यदि इस संबंध में अग्रा कोई स्पष्टीकरण देना चाहते या भुगतान 10 दिन के अन्दर अधोहस्ताक्षरकर्ता के प्राप्त लिखित ले सकते हैं। यदि आप कोई लिखित स्पष्टीकरण उपरोक्त अवधि से प्राप्त नहीं होता है तो प्रबन्धन आपके विरुद्ध अनुशासनात्मक कार्यवाही करने की पूर्णतया स्वतन्त्र है। आपके कथित दुराचरण से यह परिवर्तित होता है कि आप ने बैंक द्वारा आप ने अनहित विश्वास खो भी दिया है अतएव सत्य प्राधिकारी द्वारा मुझे निम्न निहित गलतियों का प्रयोग करते हुए मैं क्षेत्रीय प्रबन्धक एवं अनुशासनात्मक प्राधिकारी के रूप में विभागीय जांच प्रक्रिया पूर्ण होने तक आप को बैंक की सेवा से तत्कालीन प्रभाव से निलम्बित करता हूँ। यह आदेश आपको प्राप्त होने की तिथि से तुरन्त प्रभावी होगा।

निलम्बनकाल के मध्य आपको द्विपक्षीय समझौते के प्रावधानों के अन्तर्गत निम्नलिखित निर्वाह भत्ता (सब्सिस्टेंस एलाउन्स) प्राप्त होगा।

1. प्रथम तीन माह तक वेतन एवं भत्ते (जो आप यदि निम्नलिखित नहीं जाते तो प्राप्त करते) का 1/3 भाग।

2. माह तक वेतन एवं भत्ते जो यदि आप निम्नलिखित नहीं होते तो एक वर्ष पश्चात् पूर्ण वेतन एवं भत्ते) बशर्ते विभागीय ब्रांच में आप या आपके प्रतिनिधि के कारण विलम्ब न हो।

निम्नलिखित की अवधि में आप अपने मुख्यालय को सक्षम प्राधिकारी को लिखित पूर्व अनुमति के बिना नहीं छोड़ेंगे। आप अपने स्थानीय निवास स्थान का पूर्णतया पता अपनी निम्नलिखित शाखा को दे देंगे जिस पर आपके पलायन में प्रविष्टि नहीं कराये। आपको यानी विनिष्ठ का शाखायें निर्वाह भत्ता लेने हेतु प्रवेश की अनुमति होगी। किन्तु ऐसा करते समय भी आप शाखाओं में समक्ष चपरासी-सह-फर्रास के माध्यम से एक लिखित नोट प्रबन्धक को एवं इस प्रकार का सभी कार्य उप प्रबन्धक के समक्ष कर लें। यदि आप इस सुविधा का दुरुपयोग करते पाये जायेंगे तो आपका खाता बन्द करके अवशेष राशि आपके बैंक द्वारा भेज दी जायेगी।

कृपया इस पत्र की द्वितीय प्रतिलिपि पर हस्ताक्षर करके पावती है।

भववीय  
आनन्द स्वरूप गुप्ता  
क्षेत्रीय प्रबन्धक एवं  
अनुशासनात्मक अधिकारी

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 294 of 1989

In the matter dispute

BETWEEN :

Shyam Ji Mishra, C/o O. P. Nigam,  
295/187 Deen Dayal Road, Asharfabad.  
Lucknow.

AND

Regional Manager,  
Allahabad Bank,  
Regional Office Elgin Road,  
Sitapur.

APPEARANCE :

Sri M. K. Verma for the Management & Km. Neeta  
Mathur—for the concerned workman.

## AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/227/89-D2(A) dated 24-11-1989 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank in dismissing from service Sri Shyam Ji Mishra was justified ? If not to what relief is the workman entitled ?

2. The concerned workman Shyamji Mishra was working as peon cum Farrash at Sitapur Branch of the opposite party Allahabad Bank. He was issued a chargesheet dated 8-4-86, the copy of which is attached herewith. He submitted his reply on 12-4-86. In this case earlier Dharmveer Prasad was appointed enquiry officer. Later on V. K. Shukla took over as enquiry officer. Ultimately S. C. Bhatt completed the enquiry and submitted his report on 3-2-87, holding that charges were proved. Agreeing with the report, disciplinary authority passed order of dismissal on 16-2-87. Appeal was dismissed on 23-8-88. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. In the claim statement it was denied that he had committed and fraud and had made withdrawals from the bank fraudulently. It was also alleged the enquiry was not fairly and properly held. On the other hand the opposite party bank alleged that the concerned workman had perpetrated this fraud and enquiry was fairly and properly held.

4. On the other pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 4-6-97, it was held that enquiry was fairly and properly held and the case was fixed for hearing on the quantum of punishment.

5. The concerned workman obtained one or two adjournment for carrying the matter before the Hon'ble High court and for obtaining stay order. After giving two adjournments, the case was heard on the question of quantum of punishment.

6. As in this case there has been fraud and withdrawal of money from the account of another person and it has been found that the concerned workman was a party to it. If a person commits such fraud naturally it will be a case of loss of confidence and as such nothing short of dismissal would commensurate to the gravity of misconduct.

7. Hence, my award is that dismissal of the concerned workman from service of the bank is justified and the concerned workman is not entitled for any relief.

R. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

कां०आ० 2925 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एल-12012/228/93-आई धार (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2925.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 20-10-97.

[No. L-12012/228/93-IR(B-ID)]

SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT DEOKI PALACE ROAD,  
PANDU NAGAR, KANPUR

Industrial Dispute No. 23 of 1994

In the matter of Dispute :

BETWEEN :

Vijai Pal Singh,  
S/o Nathu Singh,  
C/o Nem Singh,  
Dena Bank Moradabad.

AND

Dy. General Manager,  
Zonal Office,  
43/28 Nawal Kishor Road,  
Sky Lark Third Floor,  
Lucknow.

APPEARANCES :

Shri Santosh Gupta—for the workman.

Shri V. P. Srivastava—for the management.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/228/93-IR(B-2) dated 4-3-94 has referred the following dispute for adjudication to this Tribunal :—

Whether employer-employee relationship exists between Syndicate Bank, Lucknow and Shri Vijay Pal Singh ? If so, whether the action of the manage-

ment in terminating his services with effect from 30-9-91 is justified. If not, what relief, is the workman entitled to?

2. The case of the concerned workman is that Gangeshwari branch of the opposite party Syndicate Bank was opened on 4-1-90 in District Moradabad. From that very date the concerned workman was engaged as attender. He used to do all the work of Peon. He continued to work upto 30-9-91 when his services were brought to an end in breach of provision of Section 25F G and H I.D. Act.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was not engaged as attender. Instead he was engaged as Water Boy, Branch Manager has no authority to engage him hence the engagement is bad. However it is not specifically denied that the concerned workman had worked more than 240 days in a year before his termination. Since the concerned workman was not a regular employee question of breach of any provision of Industrial Dispute Act does not arise.

4. In the rejoinder nothing new has been alleged.

5. The concerned workman Vijay Pal Singh WW(1) has stated that he was engaged as attender which fact has been denied by the branch manager Virender Kumar MW(1). This witness has further stated that Sunder Lal, and Kishori Lal were working as attender at this branch. This fact is also verify by the management. Further from certificate dated 1-10-90 and 26-2-91 it is also established that the concerned workman was engaged as a Water Boy. Thus the case of the management is established that the concerned workman was engaged as a Water Boy and not as a attender.

6. There is no evidence worth the name to prove breach of provision of Section 25G and 25H I.D. Act.

7. As for as breach of provision of Section 25F I.D. Act concerned there is evidence of Vijay Pal Singh WW(1) that he had worked for more than 240 days in a year. This fact has not been denied by Virender Kumar MW(1). Apart from this the certificate issued by the management Bank dated 1-10-90 and 26-2-91 coupled with duly verified statement filed by the concerned workman, it is fully established that the concerned workman has completed 240 days in a year as a daily rated Water Boy. Admittedly no retrenchment compensation and notice pay was given to him. In this way it is established that the concerned workman was removed from service in terms of Section 25F I.D. Act.

8. The fact that branch manager has no authority to appoint concerned workman as Water Boy is not relevant. If any irregularity was committed in appointment of the concerned workman it was open to the management to remove him after observing provision of Section 25F I.D. Act.

9. In view of above discussion my award is that there was relationship of Master and Servant between the opposite party bank and the concerned workman and his termination w.e.f. 30-9-91 is bad. Hence he is entitled for reinstatement but without back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

कां०प्र० 2926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, प्रनबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एल-12012/263/87-आई प्रार (बी-II)]

सानातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2926.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 20-10-97.

[No. L-12012/263/87-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR  
COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 78 of 1988

In the matter of dispute :

BETWEEN :

Udai Bir Singh,  
C/o Dr. P. C. Bajpai,  
128/990 Kidwai Nagar Kanpur,

AND

The Zonal Manager,  
Allahabad Bank Swarup Nagar,  
Kanpur.

APPEARANCES :

M. K. Verma, Advocate—for the Management and  
B. P. Saxena—for the Workman.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/263/87.D-II(A) dated 2-3-88, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank in dismissing Sri Udai Bir Singh, Ex. employee of Ferozabad Branch w.e.f. 12-10-85 is justified? If not to what relief the concerned workman is entitled?

2. The concerned workman Udai Bir Singh was working at Ferozabad Branch of the opposite party Allahabad bank. He was given a chargesheet dated 26-4-84 (copy enclosed) by the then B. P. Saxena who at present is defending the concerned workman in the present proceedings. The concerned workman gave his reply on 7-5-84 denying these allegations. As officer of the Bank S. P. Chaturvedi was appointed enquiry officer. After completing his enquiry he submitted his report on 23-3-85. Agreeing with this report the concerned workman was removed from service on 12-10-85. Appeal too was dismissed on 5-7-86, whereafter, the instant industrial dispute was raised.

3. In the claim statement inter alia the fairness and propriety of domestic enquiry was challenged in a variety of grounds. The opposite party in reply maintained that this enquiry was fairly and properly held.

4. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 5-6-97, this tribunal held that enquiry was fairly and properly held and finding is also in accordance with law. Thereafter, parties were given opportunity to make their respective submissions regarding proportionality of punishment by way of dismissal.

5. During the course of arguments it was urged by the authorised representative of the concerned workman that finding of this Tribunal on preliminary issue itself is perverse and calls for review. I am of the view that this plea cannot be entertained here. It will be open to the concerned workman to challenge the finding of this tribunal on preliminary issue if he carries the matter before the Hon'ble High Court by way of writ petition against the manage-

ment. This tribunal cannot sit as a court of appeal over its own finding.

6. As regards the quantum of punishment it is alleged that the concerned workman has been guilty of practising fraud in the accounts and withdrew money with forged withdrawals which certainly entails loss of confidence. In such a situation nothing short of dismissal will be commensurate misconduct.

7. Hence, my award is that the dismissal of the concerned workman is justified and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

Ref No. RO/KAN/616  
Sri Udai Vir Singh,  
Clerk-cum-cashier,  
Allahabad Bank,  
Firozabad.

Dear Sir,

### CHARGE SHEET

You are hereby charged as under :—

1. That a Savings Bank account in the name of Satya Prakash Rana was opened in the books of this branch on 12-2-1983 with Rs. 20/-. A sum of Rs. 10/- was further deposited in this account on 10-3-1983, whereafter the under-noted credit entries were made in this account purporting to represent proceeds of DDP Fixed Deposit Receipts :

Rs. 20,121.05 on 11-3-1983  
Rs. 20,121.05 on 27-4-1983  
Rs. 30,936.45 on 30-5-1983

Rs. 71,178.55

After this withdrawals were made through cheques from this account as detailed below :

Cheque No.	290143	dated	5-5-83	for	Rs. 3000.00
	290144	„	10-5-83	„	Rs. 4000.00
	290145	„	13-5-83	„	Rs. 5000.00
	290146	„	12-5-83	„	Rs. 5000.00
	290148	„	13-5-83	„	Rs. 5000.00
	290149	„	18-5-83	„	Rs. 5000.00
	290150	„	18-5-83	„	Rs. 5000.00
	147031	„	27-5-83	„	Rs. 4200.00
	147032	„	27-5-83	„	Rs. 4000.00
	147033	„	3-6-83	„	Rs. 5000.00
	147034	„	3-6-83	„	Rs. 5000.00
	147036	„	11-6-83	„	Rs. 5000.00
	147037	„	12-6-83	„	Rs. 5000.00
	147038	„	13-6-83	„	Rs. 5000.00
	147039	„	17-6-83	„	Rs. 4000.00
	147040	„	17-6-83	„	Rs. 2000.00
					Rs. 71200.00

Since no D.D.P. Fixed deposit receipts as mentioned above were issued by the Branch the withdrawals made as detailed above were without any credit balance in the Savings Bank account. As the pay-in-slip for Rs. 10/- dated 10-3-83 have been filled in by you and as the signatures on cheques No. 147039 and 147040 both dated 17-6-83 for Rs. 4000/- and Rs. 2000/- respectively have been made by you you are guilty of fraudulently withdrawing a sum of Rs. 71200/- from the Bank. (Signatures on other cheques detailed above are defaced.)

2. That a Savings Bank account in the name of Sri Surendra Singh was opened in the books of this branch with a deposit of Rs. 50/- on 5-5-83 after this a sum of Rs. 20,308.25 was

further credited to the account on 11-5-83 purported or represent proceed of DDP Fixed Deposit Receipt. After this withdrawals were made from this account through withdrawal forms as detailed below :

Savings Bank withdrawal  
form dated 2-6-83 for Rs. 5000/-  
„ 6-6-83 „ Rs. 10000/-  
„ 8-6-83 „ Rs. 5000/-  
„ 11-6-83 „ Rs. 350/-  
Rs. 20350/-

Since no DDP Fixed Deposit receipt as mentioned above was issued by the branch the withdrawals as detailed above were made without credit balance in the account. As the payments from this account of Surendra Singh have been received by the same person who took the payment of two cheques No. 147039 and 147040 referred to the charge No. 1 above, you are guilty of perpetuating the fraud in this account as well to the extent of Rs. 20350/- from the Bank.

Your above said acts are tantamount to gross misconduct within the meaning of paragraph 19 (g) of the First Bipartite Settlement dated 19-10-1966. You are, therefore, required to submit your explanation within 3 days from the date of receipt of this letter as to why appropriate disciplinary action may not be taken against you. Please note that in case no reply is received by us within a period of 3 days from the date of receipt of this letter, we will assume that you have no explanation to offer and we shall be free to decide the matter on the facts and records before us.

Mean time you are placed under suspension with immediate effect. You will however not leave the station without prior permission. Please also advise us the local address where communication, information can be sent to you.

Yours faithfully  
(B. P. SAXENA)  
REGIONAL MANAGER  
DISCIPLINARY AUTHORITY

नई दिल्ली, 21 अक्टूबर, 1997

कां० अ० 2927--औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एन-12012/326/94-आई आर(बी-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2927.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 20-10-1997.

[No. L-12012/326/94-IR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

Present

Shri Justice R. S. Verma,  
Presiding Officer

REFERENCE NO. CGIT-1/12 OF 1995

Parties :—Employers in relation to the management of Dena Bank.

and

Their workmen

Appearances :—

For the Management : No appearance

For the Workman : Workman present in person

State : Maharashtra

Mumbai, dated the 8th day of October, 1997

## FINAL AWARD

Shri D. V. Kundhadia workman in person. Nobody on behalf of the management. On 23-6-97 the representative of the management has moved on an application for grant of time to file affidavits of the witnesses and 4 weeks time was granted and the management was directed to keep witnesses present on 11-8-97. This was not done and the case was adjourned for today. Since on 11-8-97 the Presiding Officer was on leave the management has not filed any affidavits and has not chosen to appear. Hence it can be presumed that the management is not interested in proving the charge against the workman.

In Award part-I I had held that the charge against the workman has not been proved and the finding of the Enquiry Officer was perverse.

Since no evidence has been adduced before me in spite of opportunity given, I have no alternative but to hold that the action of the management of Dena Bank in dismissing Shri Kundhadia w.e.f. 15-2-93 is not legal and is not justified and the workman is entitled to be re-instated forthwith with back wages and all other consequential benefits. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

कां० प्र० 2928. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एल-12012/368/95—आई प्रार (बी-II)]  
सनातन, हेड क्लर्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2928.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 20-10-97.

प्रकाशित करने वाला 'नव्युनियन'

(II-बी) प्र० 2928/12012/368/95

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, DEOKI PALACE ROAD,  
PANDU NAGAR, KANPUR

Industrial Dispute No. 41 of 1996

In the matter of dispute between :—

P. N. Shukla

Secretary

Union Bank Staff Association

C/o Union Bank of India

Birana Road, Kanpur

AND

Asstt. General Manager

Union Bank of India

Pandu Nagar Kanpur.

Appearance : Shri P. N. Shukla for the workman

Shri R. Sainath for the management

## AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-12012/368/95-I.R.(B-2) dated 26/3-2-96 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Union Bank of India, Kanpur is not posing Shri S. K. Tripathi, Head Cashier Category 'C' as Head Cashier Category 'E' at Kalyanpur Branch, Kanpur as legal and justified? If not what relief is the said workman entitled to?

2. The answer to this reference rest on interpretation of Bank's Staff Circular No. 3987 dated 16-6-93 which runs as under :

(A) Vacancy caused by Elevation of the posts of Head Cashier Category 'C'.

1. The vacancies caused due to the elevation of the post the Head Cashier Category 'C' to that of Head Cashier Category 'E' would be filled in from amongst the Head Cashier Category 'C' regularly working as Incharge of the Case Department on the basis of station-wise simple seniority. For this purpose applications will be invited from the existing Head Cashiers Category 'C'. Those employees working as Head Cashier Category 'C' temporarily and/or on officiating basis in leave vacancy and/or in vacancies arising out of suspension of regular incumbent would not be eligible to be considered while filling up the posts of Head Cashier Category 'E'. Seniority for this purpose would be reckoned from the date on which the applicant is designated as Head Cashier Category 'C' for calculating inter-seniority of the applicants.

2. If at a station there is no eligible Head Cashier Category 'C' or there is no application received from the Head Cashier Category 'C' of the station, the vacancy of Head Cashier Category 'E' shall be filled in by inviting applications from the Head Cashiers Category 'C' on the basis of State-wise Simple seniority. Seniority for this purpose would be reckoned from the date on which the applicant is designated as Head Cashier Category 'C' for calculating inter-seniority of the applicants.

According to above circular a vacancy of Head Cashier category 'E' shall be filled from eligible Head cashier category 'C' of the station where the said post have been notified. If there is no such application such post will be filled by inviting application from the Head cashier category 'C' on the basis of statewise seniority. It is alleged the subsequent to issuance of mentioned circular two posts of Head Cashier category 'E' were identified in Kanpur 1. At Kalyanpur Branch and other is Moolgani Branch. The concerned workman S. K. Tripathi was available for this post. He applied for the same as he belongs to head cashier category 'C' at Kanpur, instead of concerned workman the opposite party bank posted on one V. K. Trivedi of Mirzapur which was contrary to above mentioned provision of circular. The concerned



workman is entitled for Head cashier category 'E' posting and allowances which are attached to head cashier category 'E'.

3. The opposite party has filed reply in which the case of the concerned workman upto existence of Head cashier 'E' category post at Moolganj and Kalyanpur branches are not disputed. It is further alleged that alongwith the concerned workman, R. P. Sonkar, B. L. Agarwal, Ram Deen and R. K. Awasthi has also applied. They were found suitable. It is further alleged that B. L. Agarwal was transferred to Lucknow and there after V. K. Trivedi was taken. It has not been alleged as to why the case of S. K. Tripathi was not considered.

4. In the rejoinder nothing fresh has been mentioned.

5. In support of his case the concerned workman S. K. Tripathi WW(1) has examined himself and has stated that he had applied for Head Cashier category 'E' as he was posted at Kanpur. Instead of him one V. K. Trivedi has been brought here. Prithvi Raj MW(1) is the Branch Manager from his evidence it appears that B. L. Agarwal was posted at Kalyanpur branch had not even applied and yet he was posted at Kalyanpur and after his transfer to Lucknow V. K. Trivedi was brought here from Mirzapur. In my opinion all this has been done by way of manipulation, to deny the concerned workman the benefit of circular of 1993.

6. In view of above my award is that action of the management in not posting the concerned workman at the post of Head Cashier Category 'E' at Kalyanpur branch Kanpur is not justified. Consequently he is entitled for the post of Head Cashier category 'E' at Kalyanpur branch w.e.f. from the date B. L. Agarwal was posted there.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

का०आ० 2929.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं. एल-12012/419/94-आई०आर० (वी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2929.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 20-10-97.

[No. L-12012/419/94-I.R. (B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 77 of 1995  
In the matter of dispute between

S. D. Mishra, General Secretary,  
Union Bank Employees Union,  
628/M-33 Murari Nagar, Faizabad Road,  
Lucknow.

2807 GI/97-13

AND

Dy. General Manager  
Union Bank of India  
Sharda Towers Kapurthala Complex, Aliganj, Lucknow

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/419/94-I.R. (B-2) dated 21-6-1995, has referred the following dispute for adjudication to this Tribunal :

"Whether the contention of the Union Bank Employees Union (UP) Lucknow that the management of Union Bank of India, Lucknow were not justified in not accommodating Sri Pan Singh Rawal at Bareilly on his promotion from sub staff cadre to clerical cadre in December, 1991 is correct? If so, what relief is the said workman entitled to?"

2. The case of the concerned workman Pan Singh Rawal is that he was a member of sub staff of the opposite party Union Bank of India and was posted at Bareilly Branch. He was promoted in clerical cadre w.e.f. 1-1-1992. The opposite party bank had issued a policy on 27-12-1991 regarding posting of promoted members of sub staff. According to this policy a member of sub staff on promotion was to be accommodated at that very place. In breach of this policy the concerned workman was posted at Ghazi-pur whereas there were vacancies at Bareilly. Hence, he is entitled for his posting at Bareilly. The opposite party bank has committed error in not posting him at Bareilly.

3. The opposite party bank has filed reply in which it has been alleged that according to transfer policy the management is supposed to adjust a promoted sub staff as far as possible. There was no vacancies at that time at Bareilly, hence the concerned workman could not be posted at Bareilly.

4. In the rejoinder nothing fresh has been alleged.

5. Following is the relevant provision of policy decision in the letter dated 27-2-1991—

"Upon promotion, the candidate shall be posted as far as possible at the same station, depending upon the availability of the vacancies at the time of promotion."

A bare perusal of above provision would go to show that it is not obligatory on the part of the bank to post a promotee sub staff at that very place. Instead the bank has been required to accommodate such person as far as possible. This provision does not confer any right upon a promotee sub staff to claim posting at the same place of his promotions. Of course this can be challenged if the management acts with mala fide intention which is certainly not the case of the concerned workman.

6. Apart from this on facts too the case of the concerned workman does not hold water. The concerned workman Pan Singh Rawal in his evidence has

stated that the post of S. K. Kanchan and S. C. Sharma was vacant when he was promoted. However, in his cross examination he has stated that Kanchan was transferred in 1982 whereas S. C. Sharma was transferred in May 1992. Thus at the time of promotion of the concerned workman there was no vacancy at Bareilly hence if the concerned workman was not adjusted locally there has been no breach of policy letter dated 27-2-1991.

7. Thus in view of the above discussion my award is that the claim of the concerned workman regarding his local posting at Bareilly on promotion is not justified and he is not entitled for any relief.

8. Before parting it may be observed that earlier a no claim award was passed on 26-10-1995 which was published on 17-11-1995. On the application of the concerned workman this *ex parte* award was set aside and the case was heard on merits.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 1997

कां० प्रा०. 2930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-10-97 को प्राप्त हुआ था।

[सं० एल-17012/24/94-आई० ग्रा० (बी-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 21st October, 1997

S.O. 2930.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 20-10-1997.

[No. L-17012/24/94-IR(B-II)]  
SATNATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

INDUSTRIAL DISPUTE NO. 69 OF 1994

In the matter of dispute :

BETWEEN

General Secretary, Kanpur Divisional Insurance Employees Union C/o B. P. Saxena, 426 W-2, Basant Bihar, Barrah, Kanpur.

And

Secretary, Audit Department, Life Insurance Corporation of India, 4 Storey, LIC Building, Mahatma Gandhi Marg, 16/98, Kanpur.

#### AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-17012/24/94 I.R. B-2 dated 11-8-1994, has referred the following dispute for its adjudication to this Tribunal—

"Whether the action of the management of LIC of India, Kanpur, in reverting Sri P. N. Bajpai, Internal Audit Asstt. as Higher Grade Asstt. and withdrawing the special pay attached to the former post is justified ? If not, what relief is the said workman entitled to ?"

2. There is no dispute that the concerned workman P. N. Bajpai was appointed as Assistant on 16-3-1960 by the opposite party Life Insurance Corporation of India. Subsequently, he was promoted as Higher Grade Assistant (for short as H.G.A.) and was posted at Jhansi. The opposite party advertised for selection Internal Audit Assistant (for short as IAA). The applicant had also applied. After going through selection procedure the concerned workman vide Ext M-4, was selected as IAA by order dated 24-5-1982. Thereafter he was appointed on 1-6-1985 as such vide Exhibit M-4/1. The concerned workman actually joined on 1-7-1982. He continued to perform the duties of IAA till 11-6-1994 when he was sent back as HGA. By way of instant reference the concerned workman has challenged this so called transfer order dated 11-6-1994 posting him as HGA. In doing so it is alleged that when HGA is appointed as IAA for first five years he gets Rs. 180 per month, as special allowance for the next five years he gets Rs. 200 per month whereas for subsequent period he gets Rs. 225 per month. In this way this post is different from the post of HGA. It is alleged that when the concerned workman was selected as IAA he got higher post and as such could not be reverted back without any rhyme and reason hence, this order of transfer dated 11-6-1994, transferring him to the post of HGA and consequently denying special allowance is bad in law.

3. The opposite party has filed reply in which it has been alleged that the post of IAA and HGA are one and same except the fact that when HGA is sent as IAA he gets special allowance. The management has formulated a policy in which persons working at this post for certain period was to be sent back as HGA. It was in pursuance of this policy that the concerned workman has been sent back as HGA. It is denied that when the job of IAA was given to the concerned workman no promotion was made. Hence, the transfer of concerned workman from the post of IAA to HGA is not bad.

4. In the rejoinder nothing worth mentioning has been alleged.

3. In support of his case, the workman has filed Ext. W-1 to W-18. Whereas management has filed Ext. M-1 to M-11. None of the parties have adduced any oral evidence as the fate of the case is dependant upon the interpretation of appointment letter and allied rules.

6. Ext. M-4/2 is order dated 24-5-1982 which runs as under —

#### OFFICE ORDER

In order to fill three vacancies of Internal Audit Assistant in the Audit and Inspection Department Central Zone Kanpur, interview were held and the following candidates have been selected—

Sl. No.	Name & Desig.	SR No	Present place of posting.
1.	Sri R B S Sengar H.G. A.	207378	D. O. Kanpur.
2.	Sri P N Bajpai, H.G.A.	299688	D.O. Jhansi
3.	Baboo Ram H.G.A.	209399	Z.O. Kanpur
The following candidates have been placed on the waiting list —			
1.	Sri N P Khan, H.G.A.	200321	D.O. Kanpur
2.	B N Verma, H.G.A.	209182	D.O. Jhansi

Necessary instructions regarding their relief etc will be issued separately.

Kanpur

Sd/- Zonal Manager

Dated 24-5-1982

It will be evident that the concerned workman has been selected after interview as Internal Audit Assistant. This procedure was adopted for filling up the post of I.A.A. and for which applications were also invited. In my opinion, had this post not been a selected post in the latter it would not have been written that the concerned workman has been selected. Instead it would have been written that the concerned workman is being posted as IAA or is being sent on deputation. If another posting is given on the basis of selection it is obvious that it is altogether a different posting and if it carries any allowance it will also amount to promotional posting. Further, I am of the view that had the posting of the concerned workman been by way of transfer from HGA to IAA, he would not have been allowed to remain there for about 12 years. Instead in normal course a deputation or normal posting comes to an end after three years or four years. Hence, taking into consideration all this aspect. I do not agree with the authorised representative of the opposite party that posting of the concerned workman as IAA was not a promotional one. Instead in my opinion,

it was a promotional posting, carrying some financial benefits than that of HGA. Hence, if the management had choosen to deprive the concerned workman the benefit of this posting this could not have been done without adopting proper procedure for reversion. Thus, such reversion could not have been caused by simple transfer or even in pursuance of any policy in this regard.

7. Thus, in view of above discussions, my award is that by transfer of the concerned workman from the post of IAA to HGA by the opposite party Life Insurance Corporation of India amounts to reversion and as such is bad in law. Consequently, the same is set aside and the concerned workman will be entitled to continue as IAA till he is removed from this post in accordance with law. He will get all financial benefits in this regard.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1997

कां०आ० 2931.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, मुग़लाबाद के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर को पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-87 को प्राप्त हुआ था।

[संख्या पं०-12012/199/94-आइ०आर० (बी-1)]

सनातन, डेस्क अधिकारी

New Delhi, the 22nd October, 1997

S.O. 2931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhartiya State Bank Muradabad and their workman, which was received by the Central Government on 21-10-1997.

[No. L-12012/199/94-IR (B-1)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 99 of 1996

In the matter of dispute :

BETWEEN

General Secretary, State Bank of India Staff Association  
148 Civil Lines, Bareilly.

AND

Branch Manager, Bhartiya State Bank, Mukhya Shaka,  
Civil Lines, Muradabad.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/199/94-IR. (B-1) dated

11-10-86, has referred the following dispute for adjudication to this Tribunal—

Whether the claim of the workman Sri Rameshwar that he was born in 1939 is justified? If so, whether the action of the management in terminating the services of Sri Rameshwar before attained the age of superannuation is legal and justified? If not to what relief the workman is entitled?

2. The case of the concerned workman Rameshwar Daftri is that he was employed on 10-10-1957 by the opposite party State Bank of India. On 21-5-92, he was informed by the opposite party that he would be retired on completing 58 years and if he wants to continue upto age of 60 years he should furnish medical certificate. As a matter of fact he had not completed 58 years in 1992. It is further alleged that in the providend form entries have been wrongly made and in fact this form was not properly maintained at all. It is pertinent to note that in the claim statement the concerned workman has not given his date of birth at all to prove that he has been prematurely retired.

3. The management in its written statement has alleged that the concerned workman was born in 1934 and in that basis he had acquired 58 years in 1992. This fact is proved from the insurance policy which was obtained by the concerned workman. Hence the year of birth as 1934 is correct.

4. Even in the rejoinder the concerned workman has not alleged any date of birth in support of his case.

5. In support of his case the management have filed Exts. W-1 to W-11 in which it has been alleged that his date of birth is 23-1-37 this fact has also been supported by the concerned workman when he entered into witness box. However, this fact has been denied by Prakash Chandra Singh, MW-1 Assistant General Manager of the Bank. His statement finds support from entry of insurance policy which was taken by the concerned workman. In it he has disclosed his year of birth as 1934. Further I am of the opinion that atleast in support of his case the concerned workman ought to have been filed school leaving certificate or extract of birth register.

6. In its absence, I am not inclined to believe his bald statement. Instead the case of the management find support from the own admission of the concerned workman in the Insurance Policy. In view of this I accept the version of the management and hold that year of birth of the concerned workman is 1934 and as such the concerned workman has not been prematurely retired.

7. Accordingly my award is that retirement of the concerned workman is not bad and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1997

कांआ० 2932 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कानपुर क्षेत्रीय ग्रामीण बैंक, कानपुर के प्रबन्ध तंत्र संबंधी नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[सं० एल-12012/82/95-आई.आर० (बी-2)]

सनातन, डेस्क अधिकारी

New Delhi, the 22nd October, 1997

S.O. 2932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in

the industrial dispute between the employers in relation to the management of Kshetriya Gramin Bank, Kanpur and their workman, which was received by the Central Government on 21-10-1997.

[No. L-12012/82/95-IR (B-2)]

SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 59 of 1996

In the matter of dispute :

## BETWEEN

Hemraj C/o Kumari Minu Soni  
118/78, Kaushalpur, Kanpur.

## AND

The Chairman  
Kanpur Kshetriya Gramin Bank  
Head Office, Sarvodaya Nagar  
Kanpur.

## AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/82/95-I.R. (B-II) dated 2-7-96, has referred the following dispute for adjudication to this Tribunal—

Kya Kanpur Kshetriya Gramin Bank ke Adhyaksh dwara Sri Hemraj son Sri Raja Ram ko dinak 13-6-93 se naukari se nikala jana nyoyochit tatha vaidhanik hai? Yadi nahi to karmchhari kis anutosh ka adhikari hai?

2. The case of the concerned workman Hemraj is that he was engaged as a messenger/peon by the opposite party Kanpur, Kshetriya Gramin Bank on 4-5-90 and he continued to work upto 13-6-93. Thereafter, his services were terminated in utter breach of Sections 25-F, G and H of I. D. Act. Hence, his termination is bad in law.

3. The opposite party has filed in which it has been alleged that the concerned workman is a daily rated part time worker. He was never engaged as peon or messenger. He did not continuously work from 4-5-90 to 8-5-93. He had not worked at any place for more than 240 days in any year. Further it is alleged that he had left the job of his own as wages of part time daily rated worker was inadequate. Hence, question of termination does not arise.

4. In support of his case the concerned workman Hemraj has examined himself. He has simply stated that he had worked as peon continuously and no notice pay and retrenchment compensation was given to him when he was removed from service. On the other hand R. C. Katiyar Manager of the bank MW-1 has stated that the concerned workman himself has left the job and he was not removed from service.

5. From the above it will be evident that the case of the management regarding abandonment of service by the concerned is un rebutted. Hence I have no hesitation in accepting it. Accordingly it is held that the concerned workman has left the job as daily rated worker, hence question of termination of his services does not arise. Consequently question of commission of breach of provision of Section 25-F of I. D. Act does not arise. Hence my award is that the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1997

कां.आ. 2933:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेवलपमेंट को-ओपरेटिव बैंक, के प्रबन्ध सत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[नं० एल-12012/25/93-आई०आर० (बी०-I)]  
सनातन, डेस्क अधिकारी

New Delhi, the 22nd October, 1997

S.O. 2933.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Development Co-op. Bank and their workman, which was received by the Central Government on 21-10-97.

[No. L-12012/25/93-IR(B-I)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, MUMBAI

## PRESENT :

Shri Justice R. S. Verma, Presiding Officer  
Reference No. CGIT-1/16 of 1996

## PARTIES :

Employers in relation to the management of Development Co-operative Bank.

## AND

Their Workmen

## APPEARANCES :

For the Management—Shri A. N. Pota, Advocate.

For the Union—Shri V. H. Kantharia, Advocate.

STATE : Maharashtra.

Mumbai, dated the 7th day of October, 1997

## AWARD

Shri J. M. D'Silva—for the Union.

Shri A. N. Pota—for management

Shri V. H. Kantharia who was appearing for the Union submitted an application and requested that he alongwith Mr. S. K. Talsania be permitted to be discharged from the case. He has been permitted to be discharged. Shri D'Silva filed an application for discharge of Shri V. H. Kantharia but Shri Kantharia has already been discharged. The application has become infructuous and is dismissed as such. Shri R. R. Mahajan, General Secretary of the Union and Shri D'Silva, Advocate for the Union has placed on record an application requesting that 'no dispute' award may be passed and in support thereof have filed copy of a resolution passed by the Development Co-op. Bank Employees Union dated 14-6-1997 for withdrawal of the case.

In the aforesaid circumstances, a 'no dispute' award is passed and the reference is disposed off as such. It may be stated that Shri Pota has no objection to this. Reference is disposed off as indicated.

R. S. VERMA, Presiding Officer

2807 GI/97—14

नई दिल्ली, 23 अक्टूबर, 1997

कां.आ. 2934:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबन्धसत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-97 को प्राप्त हुआ था।

[नं० एल-12012/209/96-आई०आर० (बी०-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2934.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 22-10-97.

[No. I-12012/209/96-IR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-I,  
HYDERABAD

## PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 29th day of September, 1997

Industrial Dispute No. 47 of 1997

## BETWEEN :

Sh. G. Suryaprakash Nayak, S/o. G. Hanumantha Nayak  
R/o 2/376, Road, No. 4, Society Colony, Madanapally, Chittoor District, Andhra Pradesh.

.. Petitioner.

## AND

The Asst. General Manager, Syndicate Bank, 6-3-653,  
Pioneer House, Somajiguda,  
Hyderabad-500 402.

.. Respondent.

## APPEARANCES :

None—for both the parties.

## AWARD

The Govt., of India, Ministry of Labour, New Delhi by its Order No. L-12012/209/96/IR(B-II) dt. 22-7-1997 referred the following dispute U/s. 10(1)(d) and 2(A) of Industrial Disputes Act, 1947 for adjudication :

"Whether the action of the management of Syndicate Bank, Hyderabad in imposing the punishment of dismissal from service in respect of Sh. G. Surya Prakash Nayak, ex-attender w.e.f. 6-1-95 is legal and justified ? If no, to what relief the said workman is entitled ?"

2. After receipt of the reference this Tribunal issued a notice to both the parties. Both the parties received the notice. When the matter was called on 15-9-97, both the parties did not appear and no representation was made on their behalf. Again on 18-9-97, when the matter was called, Mr. Hariharan, an advocate appeared and offered to file his vakalat on behalf of the workman. The matter was posted for his vakalat and claim statement of the workman, to 29-9-97.

3. On 29-9-97, vakalat of the workman is not filed. Even the concerned workman has not appeared and no representation is made.

It is understood the workman is not interested to prosecute the matter though notice was served upon him and 3 adjournments are granted. There is no option except to close the reference. Hence, I.D. is closed.

Given under my hand and the seal of this Tribunal on this the 29th day of September, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 23 अक्टूबर, 1997

कांअं० 2935 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धन के संवद्ध निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-97 को प्राप्त हुआ था।

[सं० एन-17012/6/96-आई०आर० (बी० II)]

सानतन, डेस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2935.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 22-10-97.

[No. L-17012/6/96-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I,  
AT HYDERABAD

#### PRESENT :

Sri V. V. RAGHAVAN, B.A., LL.B., Industrial Tribunal-I.

Dated, 2nd day of September, 1997

Industrial Dispute No. 22 of 1997

#### BETWEEN :

P. Sreehari, H. No. 11-2-57/12,  
Shivajinagar, Siddipet, Medak.  
Dist. 502 103.

.. Petitioner.

#### AND

Sr. Divisional Manager, Divisional.  
Office, Life Insurance Corp. of India.  
1-8-179 Lakhsapath Building,  
Sarojini Devi Road, Secunderabad-500 003.

.. Respondent.

#### APPEARANCES :

Sri K. Subhash Reddy, Advocate—for the petitioner.

Sri I. Dakshan Murthy, Advocate—for the respondent.

#### AWARD

The Govt., of India, Ministry of Labour, New Delhi, by its Order No. L-17012/6/96/IR(B-II) dt. 27-5-97, referred the following dispute U/s. 10(1)(d) and 2(A) of Industrial Disputes Act, 1947 for adjudication :

"Whether the action of the management of LIC of India in terminating the services of Shri P. Srihari, ex-temporary sub-staff w.e.f. 14-11-94 is legal and

justified ? If not, to what relief the said workman is entitled ?"

2. After receipt of the said reference, this Tribunal issued a notice to both the parties. Both the parties received the same, and filed their vakalats. Though, three adjournments were granted to the petitioner, the workman did not file the claim statement. On 2-9-97, when the matter is called neither the petitioner nor the respondent appeared and no representation was made. The concerned workman also did not file the claim statement.

3. It is presumed that the petitioner is not interested to prosecute the matter and there is no triable issue involved in this case. Hence, the I.D., is closed.

Given under my hand and the seal of this Tribunal, on this the 2nd day of September, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 23 अक्टूबर, 1997

कांअं० 2936 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, भुवनेश्वर के प्रबन्धन के संवद्ध निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, उड़ीसा, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-97 को प्राप्त हुआ था।

[सं० एन-12011/31/93-आई०आर० (बी०-I)]

सानतन, डेस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2936.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India Bhubaneswar and their workman, which was received by the Central Government on the 22-10-1997.

[No. L-12011/31/93-IR (B-I)]

SANATAN, Desk Officer

#### ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

#### PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding Officer,  
Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 42 of 1993 (Central)

Bhubaneswar, the 7th October, 1997

#### BETWEEN

The management of State Bank of India, Stationery  
Department, Cuttack Road, Bhubaneswar-751001  
.. First Party-management

#### AND

Their workmen, S/Shri Trilochan Sethi, Monoranjan  
Pradhan, Brajkishore Panda, Profulla Kumar Barik  
and Alok Kumar Sahoo, C/o Shri N. K. Mohanty,  
Plot No. 32, Ashoknagar, Bhubaneswar .. Second  
Party-workmen.

#### APPEARANCES :

Sri B. N. Dash, Asst. Manager (Law—for the first party-  
management.

Sri P. Pappa Rao, Executive Member of All Orissa Bank  
Employees Association—for the second party-work-  
men.

## AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-12011/31/95-IR (B-I) dated 7-12-93 :—

"Whether the action of the management of State Bank of India, Circle Stationery Deptt. Cuttack Road, Bhubaneswar, in discontinuing engagement of S. Shri Trilochan Sethi, Manoranjan Pradhan Brajakishore Panda, w.e.f. 22-1-93 is legal and justified? If not, to what relief the workmen are entitled?"

2. The second party-workmen have filed their claim statement on the averment that :

Trilochan Sethi, Manoranjan Pradhan, Brajakishore Panda, Prafulla Kumar Barik and Alok Kumar Sahoo joined under the first party-management with effect from 27-10-89, 10-10-90, 4-4-90, 3-5-90 and August, 1990 respectively as casual workers on daily rate basis. But without resorting to the requirements contemplated in Section 25-F of the Industrial Disputes Act, the first party-management terminated the job assignment of the aforesaid workmen on 22-1-93; although the aforesaid workmen have continuously discharged their work uninterruptedly for 240 days in a twelve calendar months.

3. The first party-management filed its written statement on the averment that :

The workmen named in the reference were daily rated labourers and were engaged as and when needed. After 21-1-93 the said workmen were not making themselves available to be engaged. The named workmen of the reference, besides 10 others had raised an industrial dispute before the Asst. Labour Commissioner (Central), Bhubaneswar claiming regularisation of their services, grant of casual/privilege leave, and bonus. The conciliation failed, but the Government did not refer the dispute for adjudication on the ground that the bank would examine the feasibility of absorbing the labourers in the bank services. For this purpose ten posts were sanctioned. For the said posts the aforesaid workmen alongwith eleven others who were also engaged by the bank earlier on daily rate basis were called for an interview with a view to select from amongst them. The ten workmen have now been appointed in the bank as Hemuli-cum-Packers in the subordinate cadre.

From the named persons of the reference Trilochan Sethi has now been appointed. The remaining four named workmen have been empanelled after the interview for absorption against future vacancies.

Three separate bipartite settlements (dated 17-11-87, 27-10-88 and 9-1-91) had been entered into between the management of the Bank and the workmen represented by All India State Bank of India Staff Federation for absorption of temporary workmen in the subordinate cadre. It was stipulated therein that different categories of staffs will be empanelled in the subordinate cadre, and that the panel for those employees (scale wage) will be in operation for filling up vacancies arising in 1995 and 1996. It was also stipulated therein that these panels would lapse on 31-3-97. The present named persons of the reference were called for an interview and were empanelled against future vacancies.

4. On these rival pleadings, the following issues have been framed :

## ISSUES

(1) Whether the action of the management of State Bank of India, Circle Stationery Deptt., Cuttack Road, Bhubaneswar in discontinuing engagement of S/Shri Trilochan Sethi, Manoranjan Pradhan, Brajakishore Panda, Prafulla Kumar Barik and

Alok Kumar Sahoo with effect from 22-1-93 is legal and justified?

(2) To what relief, if any, the concerned workmen are entitled to?

(3) Whether the empanelment list showing incorporation of the name of the disputant workmen has apsed w.e.f. 31-3-97?

ISSUE Nos. 1, 2, and 3 :

5. In the reference discontinuance of engagement of Trilochan Sethi, Manoranjan Pradhan, Brajakishore Panda, Prafulla Kumar Barik and Alok Kumar Sahoo has been shown to be 22-1-93. W.W. No. 1 has said that in 1993 he attended an interview for his prospective appointment and has been empanelled by virtue of that interview. W.W. Nos. 1 and 2 testified that after 22-1-93 they have not gone to work further, but the unchallenged testimony of M.W. No. 1 goes to show that these named workmen have not only been empanelled but also, have been absorbed in the permanent cadre. In the circumstances, it can be concluded that daily attendance in the work probably was not the governing pattern. Therefore, W.W. No. 1 has said, "on my objection to the management, the persons who were intermittently engaged have ceased to be engaged any further." On this back drop the brief default of appearance in the work site after 22-1-93 has no material effect, so much so to be attributed as a permanent discontinuance amounting to retrenchment within the scope of Section 25-F of the Industrial Disputes Act.

In this connection, M.W. No. 1 has said, "in or around 1993 by virtue of Ext. A (Ext. A is the letter of Government of India, Ministry of Labour communicated to the first party-management that the management is to examine the feasibility of absorption of the workers) interviews were conducted by the first party-management wherein the second party-workmen also appeared. Except Sri Brajakishore Panda all the second party-workmen contesting this case have been absorbed in the permanent cadre of the State Bank of India. Initially, Brajakishore Panda was also empanelled to be appointed in the regular cadre, but subsequently Brajakishore Panda was found not eligible to be absorbed in the permanent cadre due to his over-age at the time of his initial appointment as a labourer in the bank." M.W. No. 1 as served Ext. 4, the appointment letter of Alok Kumar Sahoo, a named workman of the reference. In the absence of challenge to the testimony of M.W. No. 1 it can safely be concluded that except Brajakishore Panda, a named workman of the reference, all the second party-workmen of the reference have been empanelled and have absorbed in the permanent cadre of the post by the first party-management. The testimony of M.W. No. 1 further goes to show that the named workmen of the reference were not discontinued permanently from their job assignment to hold it as a retrenchment within the scope of Section 25-F of the Industrial Disputes Act.

6. On the testimony of M.W. No. 1 that except Brajakishore Panda all the named persons of the reference have been absorbed in the permanent cadre of State Bank of India, and that, Brajakishore Panda (W.W. No. 1) was also empanelled to be appointed to the regular post, but, due to his over-age he was not considered, cannot be sustained. Brajakishore Panda cannot be made liable for the acts and omissions of the first party-management. The fact that Brajakishore Panda was working under the first party-management from 4-4-90 has not been controverted. The age particulars of Brajakishore Panda has not been furnished in the pleading or has not been breathed to in the evidence. Brajakishore Panda has been examined as W.W. No. 1. He asserted his age to be 33 years as on April, 1997 which has remained unchallenged. On this back drop it cannot be said that Brajakishore Panda was an over-aged person by the time of his initial engagement on 4-4-90. The fact of over-age of Brajakishore Panda not having been brought to record, this Tribunal cannot accept that the first party-management has been able to prove that Brajakishore Panda is an over-aged person.

On the evidence of M.W. No. 1 it is but certain that except Brajakishore Panda, all the named workmen of the reference have been engaged and have been absorbed in the permanent cadre of the post. Therefore, except Brajakishore Panda no other workmen named in the reference can be said to have been disengaged/retrrenched from

their job. Only Brajakishore Panda seemed to have suffered the discontinuance from his job from 22-1-93 on the ground of over-age. The stand taken by the first party management that the agreement entered into between the first party-management and the All India S.B.I. Staff Federation will lapse on 31-3-97, cannot stand as an impediment. The first party-management cannot take the benefit of its own lapse. Therefore, Brajakishore Panda is entitled to be reinstated to his job as before from the day of disengagement i.e., 22-1-93. On being reinstated, Brajakishore Pandit is also entitled for absorption in the permanent cadre of the post in the same footing as that of his co-workers.

7. Consistent to the observation made by the Tribunal in Para-5 above that brief default of appearance in the work-site after 22-1-93 has no material effect for Trilochan Sethi, Manoranjan Pradhan, Prafulla Kumar Barik and Alok Kumar Sahoo as all the four workmen have now been engaged in the permanent cadre of the posts under the first party-management, all these four persons cannot be said to have been retrenched legally within the scope of Section 25-F of the Industrial Disputes Act, therefore, are not entitled for any remedial measure; but however, Brajakishore Panda is to be taken back to his job and engaged in the permanent cadre of the posts as that of his co-workers, namely, Trilochan Sethi, Manoranjan Pradhan, Prafulla Kumar Barik and Alok Kumar Sahoo.

8. Now Brajakishore Panda is in his blossom youth, an able-bodied person of 33 years of age. By no stretch of imagination it can be believed that Brajakishore Panda would have remained idle without gainful engagement. Therefore, in the fitness of circumstances, this Tribunal is of the view that Brajakishore Panda should be compensated by payment of a sum of Rs. 5,000 (Rupees five thousand only) in lieu of his prospective wage as a casual labourer under the first party-management. But however, Brajakishore Panda is required to be reinstated and absorbed in the permanent cadre of post as that of his co-worker within a period of one month from the date of publication of this Award.

The reference is answered and the Award is passed accordingly.

Dictated and corrected by me.

M. R. BEHERA, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 1997

का० आ० 2937.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम-10, उप नियम (4) के अनुसरण में केन्द्रीय सरकार, कर्मचारी भविष्य निर्वाह संगठन, श्रम मंत्रालय, नई दिल्ली के प्रशासनिक नियंत्रणाधीन उप क्षेत्रीय कार्यालय मंगलूर (कर्नाटक) को एतद्वारा अधिसूचित करती है।

[फा०सं० ई-11011/1/93-रा०भा०नी०]

पी०एम० सिराजुद्दीन, निदेशक

New Delhi, the 23rd October, 1997

S.O. 2937.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the sub-regional office, Mangalore (Karnataka) an office under the administrative Control of Employees Provident Fund Organisation, Ministry of Labour, New Delhi.

[F. No. E-11011/1/93-R.B.N.]  
P. M. SIRAJUDDIN, Director

नई दिल्ली, 23 अक्टूबर, 1997

का० आ० 2938.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्मचारी राज्य बीमा निगम के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 23-10-97 को प्राप्त हुआ था।

[नं० एल-15012/8/87-डी-II(बी)]

बी०एम० डेविड, ईस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2938.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Employees State Insurance Corporation and their workmen, which was received by the Central Government on the 23-10-1997.

[No. L-15012/8/87-D. II (B)]

B. M. DAVID, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Wednesday, the 24th day of November, 1997

PRESENT :

THIRU K. SAMPATH KUMARAN, B.A.,  
B.L., INDUSTRIAL TRIBUNAL.

INDUSTRIAL DISPUTE NO. 42 OF 1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Employees State Insurance Corporation, Madras).

BETWEEN

Miss L. Anuradha,  
No. 10, Ratchanayapuram,  
Tuticorin—628 001.

AND

The Regional Director,  
Employees State Insurance Corporation,  
E.S.I.C. House,  
Sterling Road, Madras—600 034.

REFERENCE :

Order No. L-15012/8/87-D. II (B), dated 15/18-7-1987, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference, claim and counter statements and other connected papers on record, and



parties being absent, this Tribunal passed the following.

### AWARD

This dispute arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by Ministry of Labour. Government of India, for adjudication of the following issue :

"Whether the action of the Regional Director, Employees State Insurance Corporation, Madras in terminating the services of Miss L. Anuradha, Ex. L.D.C. Employees State Insurance Corporation, Coimbatore with effect from 22-8-1983 is justified ? If not, what relief the said workman is entitled to ? Petitioner and respondent called absent. (10.41 a.m.). Passed over.

Petitioner and Respondent called absent (1.15 p.m.).

Industrial Dispute dismissed for default. No costs.

K. SAMPATH KUMARAN, Industrial Tribunal.

नई दिल्ली, 23 अक्टूबर, 1997

का०आ० 2939:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उ० प्र० राज्य खनिज विकास निगम लि०, के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-97 को प्राप्त हुआ था।

[स०एल-29012/68/94-आई०आर०(विधि)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2939.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Mineral Development Corp. Ltd., and their workman, which was received by the Central Government on 23-10-97.

[No. L-29012/68/94-IR (Misc.)]

B. M. DAVID, Desk Officer.

### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR.

Industrial Dispute No. 19 of 1995

In the matter of dispute :

BETWEEN

Umesh Singh

95/116/1, Pura Dalel

Sarvodaya Nagar Allahapur

Allahabad.

AND

Paryojna Prabandhak

U.P. State Mineral Development Corpn. Ltd.

2/3 Circular Road

Allahabad.

APPEARANCE :

Meenu Soni for the workman.

Shri V. Singh for the management.

### AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-29012/68/94- I.R. (Vividh) dated 12-1-95 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of U.P. Mineral Development Corporation Ltd., Allahabad in terminating the services of Shri Umesh Singh S/o Shri Gorakhnath Singh vide their order No. MDC Alld/PF/88-89/1062 dated 3-11-88 is justified ? If not to what relief the workman is entitled ?

2. The case of the concerned workman Umesh Singh is that he was appointed as Challan Supervisor by the opposite party U.P. Mineral Development Corpn. Ltd. at Allahabad on 12-5-84 and he continuously worked upto 3-11-88. He was paid Rs. 17.25 as wage. Thereafter his services were terminated in branch of Section 25 F, G, and H of I.D. Act.

2. In the written statement it is not disputed that the concerned workman had worked from 12-5-84. However he continued upto 21-1-85. Thereafter he was again engaged w.e.f. 2-2-85. The concerned workman absconded from 27-2-87. It is alleged that he had applied as Umesh Singh where as certificate were filed in the name of Umesh Kumar. When explanation was called in this regard he absconded.

3. In the rejoinder it is denied that he had submitted certificate in the name of wrong person.

4. In support of his case workman filed Ext. W-1 to Ext. W-10 Out of these Ext. W-1 to Ext. W-5 are demand letter Ext. W-6 and Ext. W-7 are School certificate in the name of Umesh Kumar. Ext. W-9 and Ext. 10 are appointment letters in the name of Umesh Singh. Apart from this there is evidence of the concerned workman. In the rebuttal there is evidence of Senior Manager D. R. Tripathi MW (1) who has stated that when explanation was called for wrong submission of certificate the concerned workman did not reply and started absenting himself. The concerned workman Umesh Kumar WW(1) has not denied this fact. Hence the case of the management in this regard is unrebutted. Accordingly I accept it and hold that concerned workman himself had absconded and he was not removed from service. Hence question of breach of Section 25 F, G and H does not arise.

5. Accordingly my award is that the concerned workman was not removed from service. Hence question of its being illegal does not arise. Accordingly the concerned workman is not entitled for any relief.

**B. K. SRIVASTAVA, Presiding Officer.**

नई दिल्ली, 23 अक्टूबर, 1997

कांअं० 2940.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यू०पी० स्टेट खनिज विकास निगम के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-97 को प्राप्त हुआ था।

[सं० एन-29012/77/91-आई०आर० (विविध)]  
टी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2940.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Mineral Development Corporation and their workman, which was received by the Central Government on 23-10-1997.

[No. L-29012/77/91-IR (Misc.)]  
**B. M. DAVID, Desk Officer.**

## ANNEXURE

BEFORE B. K. SRIVASTAVA PRESIDING  
OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT DEOKI PALACE ROAD, PANDU  
NAGAR, KANPUR.

Industrial Dispute No. 6 of 1993.

In the matter of dispute,

BETWEEN :

Vice President,  
Khadan Mazdoor Sangh,  
Dala District Sonbhadra (U.P.).

AND

General Manager,  
U.P. State Mineral Development  
Corporation, Kapoorthala,  
Commercial Complex,  
Aliganj, Lucknow.

APPEARANCE :

Shri Dina Nath Tiwari for the workman.  
Shri V. Singh for the management.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-29012/77/91-IR (Misc.), dated 29-12-1992 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of U.P. State Mineral Development Corporation in appointing Shri Shiv Shankar Misra as Challan Supervisor Grade 'A' w.e.f. 11-12-1982 and giving him the pay scale of Rs. 220-320 (Old Scale) is legal and justified? If not, to what relief the workman concerned entitled?"

2. The case of the concerned workman Shiv Shankar Misra is that he was appointed as Challan Supervisor as Grade 'A' on 11-12-1982 by the opposite party U.P. State Mineral Development Corporation. His pay in the scale of Rs. 360—550 was further confirmed on 7-3-1984 as challan supervisor Grade 'A'. Now he is entitled for grade Rs. 490—780 w.e.f. 11-12-1983. This pay scale has not been granted to him inspite of demand.

3. The opposite party has filed reply in which it is alleged that the concerned workman was originally appointed as Mazdoor on 15-10-1980. From 11-12-1982 he was appointed as Challan Supervisor Grade 'C' in the pay Scale of 200—320. However due to clerical error in the appointment letter challan supervisor 'A' was mentioned instead of challan supervisor 'C'. Hence there is no defect in the pay scale.

4. In the rejoinder nothing new has been alleged.

5. Repeated opportunities were given to the concerned workman to prove his case. Ultimately he was debarred from giving evidence on 16-7-1997. There after management has also did not adduce evidence. Thus it is a case of no evidence. Hence the reference is answered against the concerned workman for want of proof and he is entitled for any relief.

**B. K. SRIVASTAVA, Presiding Officer.**

नई दिल्ली, 23 अक्टूबर, 1997

कांआ० 2941.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उ०प्र० राज्य खनिज विकास निगम के प्रबन्ध तंत्र के संबंध निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निषिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-97 को प्राप्त हुआ था।

[सं० एल-29012/118/94-आई०आर० (विधि)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 23rd October, 1997

S.O. 2941.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of U.P. State Mineral Development Corporation and their workman, which was received by the Central Government on the 23-10-1997.

[No. L-29012/118/94-IR (Misc.)]

**B. M. DAVID, Desk Officer**

#### ANNEXURE

**BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR**

Industrial Dispute No. 39 of 1995

In the matter of dispute :

#### BETWEEN

General Manager,  
U.P. State Mineral Development  
Corporation Ltd.,  
Lucknow.

#### AND

Raj Kumar,  
C/o Shri Damodar Upadhya,  
Bhartiya Mazdoor Sangh,  
Dala Zila Sonbhadra.

#### APPEARANCE :

Shri V. Singh for the management.

Shri D. N. Tiwari for the workman.

#### AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-29012/118/94-I.R. (Vividh) dated 20-3-95 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of U.P. State Mineral Development Corporation in terminating the services of Shri Raj Kumar S/o Shri Laxman, employed as Mazdoor w.e.f. 16-3-91 is justified? If not, to what relief the workman is entitled?

2. The case of the concerned workman Raj Kumar is that he has worked as Mazdoor from 2-7-81 to 15-3-91 with the opposite party U.P. State Mineral Development Corporation Ltd. at Chopan Unit. His services have been terminated in breach of provision of Section 25F I.D. Act. Hence it is bad in law.

The opposite party has filed reply in which it has been alleged that the concerned workman had worked upto 1985. He did not work from 1986 to 1990. However from 1-1-91 to 15-3-91 he has again worked.

In the rejoinder the above fact have been denied.

The only question which call for determination is to whether the workman had worked after 1985 as well. Some documentry evidence like Wage Slip and Muster Roll extract are to have been filed. In its absence I disbelieve the version of the concerned workman and hold that he had not worked after 1985. Instead he worked for three months in the year 1991 which will not confirm any right upon him. Hence the question of breach of Section 25F does not arise. Consequently the concerned workman is not entitled for any relief.

**B. K. SRIVASTAVA, Presiding Officer**

नई दिल्ली, 29 अक्टूबर, 1997

कांआ० 2942.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कंडला डोक लेबर बोर्ड के प्रबन्ध तंत्र के संबंध निधोजकों और उनके कर्मचारों के बीच, अनुबंध में निषिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-97 को प्राप्त हुआ था।

[सं० एल-37011/2/97-आई०आर० (विधि)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 29th October, 1997

S.O. 2942.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kandla Dock Labour Board and their workman, which was received by the Central Government on 29-10-97.

[No. L-37011/2/97-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL, CENTRAL AHMEDABAD

Reference (ITC) No. 15 of 1997

#### ADJUDICATION

#### BETWEEN

Kandla Dock Labour Board. . . First Party.

#### AND

The Workmen employed under it. . . Second Party.

In the matter whether the action of first party in not revising the piece rates at par with the daily wages

from 1-1-88 and thereafter from 1-1-93 for the piece rate workers is legal and justified? If not, to what relief the piece rate workers are entitled to?

#### APPEARANCES:

None for the first party and second party.

#### AWARD

By an Order No. L-37011/2/97-IR(Misc.) dated 2-6-97 the Desk Officer, Ministry of Labour, Government of India, New Delhi has referred an industrial dispute as stated in the Schedule of above order between the above parties u/s. 10(1) of the Industrial Disputes Act, 1947, for adjudication to this Tribunal.

In spite of service of Regd. Notice dated 4-7-97 to the above parties, neither they have appeared before this Tribunal nor filed statement of claim or any other documents till this day. In the result, I pass following order :--

#### ORDER

The reference is dismissed for non-prosecution and it is disposed of accordingly with no order as to costs.  
Sd./- Illegible,

Secretary.

Ahmedabad, 17th October, 1997.

N. J. SHELAT, Presiding Officer